

**206 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CRM -19340-2022 in/and
CRM-M-30077-2021
Date of Decision: 26.07.2022**

**JOGINDERPAL HANDA ... PETITIONER
VS.
STATE OF PUNJAB .. RESPONDENT**

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Naveen Sharma, Advocate for
Mr. Kamal Narula, Advocate,
for the petitioner.
Ms. Ishneet Kaur, AAG, Punjab.
Mr. H.S.Saini, Advocate, for the complainant.

VIVEK PURI, J.(ORAL)

CRM -19340-2022

This is an application for placing on record copy of order dated 22.07.2021 passed by the Court of learned Additional Sessions Judge, Fast Track, Exclusively dealing with Rape Cases, Ferozepur as Annexure P-5.

For the reasons stated in the application, the same is allowed. Copy of order dated 22.07.2021 is taken on record as Annexure P-5, subject to all just exceptions.

Registry is directed to annex the same at appropriate place.

Application is disposed of.

CRM-M-30077-2021

The petitioner is seeking anticipatory bail in case bearing FIR No. 45 dated 22.05.2021 under Sections 498-A/406/506 IPC registered at Police Station Mamdot, District Ferozepur.

On 30.07.2021, the following order was passed:-

“Learned counsel for the petitioner prays for grant of anticipatory bail to the petitioner while inter-alia arguing that the petitioner has been falsely implicated in the present

case and that he is the father-in-law of the complainant and a reading of the FIR would reflect that no specific allegations have been made against him either regarding demand of dowry or cruelty. It is further argued that allegations regarding beatings to the complainant are non-specific and he is ready and willing to join the investigation.

Notice of motion.

Ms. Deepshikha Chauhan, AAG, Haryana appearing through the medium of video conferencing accepts notice on behalf of the respondent State and seeks time to file reply.

Adjourned to 15.12.2021.

Meanwhile, petitioner is directed to join the investigation within a period of one week and on doing so, the petitioner be released on interim bail to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall continue to join the investigation as and when called upon to do so and shall abide by the conditions incorporated under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner contends that in pursuance of interim directions issued by this Court, the petitioner has joined the investigation and nothing is to be recovered from him.

Learned State counsel, on instructions from ASI Raman Kumar, has not assailed the aforesaid factual aspect(s) and further submits that the custodial interrogation of the petitioner is not required.

However, learned counsel appearing for the complainant has opposed the bail application on the score that after registration of the FIR, the petitioner alongwith co-accused had committed trespass and inflicted injuries on the person of the complainant and a case bearing FIR No. 62 dated 07.07.2021 under Sections 452/324/323/336/148/149 IPC and Sections 25/27 Arms Act (Section 326 IPC added later on) has been registered at Police Station Mamdot, District Ferozepur . The applications

for anticipatory bail in both the cases i.e. present FIR and the FIR No. 62 dated 07.07.2021 on behalf of Lovedeep Handa have been dismissed by this Court.

Be that as it may, Lovedeep Handa is the husband of the complainant and the petitioner is father-in-law of the complainant. The petitioner has been granted pre-arrest bail by the Court of Session in the case bearing FIR No. 62 dated 07.07.2021 registered at Police Station Mamdot, District Ferozepur. In the said case, the petitioner is stated to be empty handed. As such, the case of the petitioner is distinguishable from Lovedeep Handa, the husband of the complainant, whose application for anticipatory bail has been dismissed. The petitioner has joined the investigation in pursuance of the interim directions issued by this Court, nothing is to be recovered from him, his custodial interrogation is not required and he has been granted anticipatory bail in the other case bearing FIR No. 62 dated 07.07.2021 registered at Police Station Mamdot, District Ferozepur.

In these set of circumstances, sufficient grounds are made out to extend the concession of pre-arrest bail to the petitioner. Accordingly, order dated 30.07.2021, vide which the petitioner has been granted interim bail, is made absolute.

Petition is allowed.

26.07.2022
smriti

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No