

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

(Sr. No. 205)

CRM-M No. 27902 of 2022

Date of decision : 05.07.2022

Amar Kumar

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. Ruhani Chadha, Advocate for the petitioner.

Ms. Gunkirat Kaur, AAG, Punjab.

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DEEPAK SIBAL, J. (Oral)

The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No.146 dated 29.05.2022 registered under Sections 354-B, 323, 506 and 34 IPC at Police Station Rama Mandi, district Jalandhar.

Briefly stated, the case of the prosecution is that on 25.05.2022, at around 08:30 a.m., the complainant along with her daughters Manpreet Kaur and Natasha had gone to take out their vehicle from the garage where the petitioner's father – Ram Singh had parked his auto rickshaw. When the complainant asked Ram Singh to keep aside his auto rickshaw he hurled abuses and slapped the complainant's daughters. In the meanwhile, the petitioner also came there and after dragging Manpreet

Kaur into the garage he bolted the gate and did obscene acts with her. When the complainant and her daughters raised hue and cry people of the locality gathered there upon which both the accused fled from the scene.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in this case as there is a civil dispute with regard to possession of the garage pending between the complainant and the petitioner's father; in the civil suit with regard to the afore dispute which has been filed by the petitioner's father interim stay has been granted by the Trial Court in favour of the petitioner's father; the FIR in question by the complainant is a counter-blast to such civil proceedings; the CCTV footage which has been placed on the record clearly reveals that on being confronted by the complainant the petitioner's father did not even utter a single word and that the petitioner was not even present at the spot; co-accused Ram Singh has been granted ad interim anticipatory bail by this Court; no recovery is required to be made from the petitioner and that under the interim order passed by this Court the petitioner has joined and fully cooperated with the investigation.

Learned State counsel opposes the grant of anticipatory bail to the petitioner on the merits of the case of the prosecution but does not dispute the fact that under the interim order passed by this Court the petitioner has joined and cooperated with the investigation.

After considering the afore submissions made on behalf of the petitioner as also in the light of the statement made by learned State counsel that the petitioner has joined and cooperated with the investigation, this

Court is of the opinion that custodial interrogation of the petitioner is not required and accordingly, the interim order of this Court dated 01.07.2022, granting ad interim anticipatory bail to the petitioner is ordered to be made absolute.

Nothing observed herein-above shall be considered to be an expression of opinion by this Court on the merits of the case.

05.07.2022

sunil yadav

**(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No