

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

210+102-2

**CRM-M-32760-2021 (O & M)
Date of Decision:15.09.2022**

BHUPINDER KUMAR

...PETITIONER

VERSUS

STATE OF PUNJAB AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. G.S. Dhillon, Advocate for the petitioner.

Mr. Mohit Chaudhary, AAG, Punjab.

Mr. Arnav Kumar, Advocate for respondent No.2.

SUVIR SEHGAL, J.(ORAL)

CRM-34487-2022

Application is allowed as prayed for.

Amended petition is taken on record.

Main Case

On 13.08.2021, this Court passed the following order:-

“This is a petition that has been filed for grant of anticipatory bail to the petitioner in FIR No.126 dated 26.07.2021 under Section 323, 324, 506, 354-B and 34 IPC registered at Police Station Sadar, District Ludhiana.

Counsel for the petitioner herein would contend that in fact on account of dispute having arisen between brothers in the joint family property held between three of them, the instant FIR has been registered at the behest of the wife of one of the brother. It is argued that the petitioner herein has suffered severe and grievous injuries

for which a complaint has been filed, however, as on date, no FIR has been registered. It is also argued that possibility of the petitioner herein abusing and of tearing clothes of the complainant in the presence of her son and husband is far fetched.

Notice of motion for 24.01.2022.

Mr. A.S. Gill, Sr. DAG, Punjab, who is present through the medium of video conferencing, accepts notice on behalf of the respondent-State.

Meanwhile, the petitioner is directed to join the investigation within a period of one week and on his doing so, the petitioner be released on interim bail subject to his furnishing personal/surety bonds 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 as provided under Section 438(2) Cr.P.C.”

Counsel for the petitioner submits that offence under Section 201, IPC, has been added later on. He urges that there is a dispute regarding a joint house amongst three brothers and complaint has been lodged by Anuradha, who is the wife of petitioner's brother, Varinder Kumar. Counsel submits that accused, Rohit (petitioner in CRM-M-32759-2021), is alleged to have inflicted a stick blow on the head of the complainant, whereas accused, Bhupinder (present petitioner), is alleged to have hit her on the chest. It is his argument that the allegations attracting offence under Section 354-B of IPC, are false. Counsel has also referred to the MLR as well as photographs, Annexures P-3 and P-4, respectively, to submit that Rohit has also suffered injuries.

Upon instructions from ASI Major Singh, State counsel submits that the petitioner has joined the investigation and he is no longer required for custodial interrogation.

In view of the above, without commenting upon the allegations levelled in the petition, present petition is allowed and order dated 13.08.2021 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438 (2) of the Code of Criminal Procedure.

15.09.2022
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(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No