

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

210

**CRM-M-32129-2022
Decided on : 23.11.2022**

Sukhwinder Singh @ Deepu and others

. . . Petitioner(s)

Versus

State of Punjab

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Jagjot Singh Lalli Advocate for the petitioner.

Mr. M.S. Joshi, Addl. A. G., Punjab.

SANJAY VASHISTH, J. (Oral)

Prayer in this petition, filed under Section 438 of the Code of Criminal Procedure, 1973, is for grant of anticipatory bail to the petitioners, who have been booked for having committed the offences punishable under Sections 323, 354, 354-A, 506, 148 and 149 IPC, in a case arising out of FIR No.92, dated 11.05.2022, registered at Police Station Tibba, District Police Commissionerate, Ludhiana.

On 26.07.2022, following order was passed by co-ordinate Bench of this Court:

“Instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 (for short “the Code”) seeking pre-arrest bail in case FIR No.92 dated 11.05.2022, registered for offences under Sections 323, 354, 354-A, 506, 148 and 149 of the Indian Penal Code, 1860, at Police Station Tibba, District Police Commissionerate, Ludhiana, Annexure P-1.

Counsel for the petitioners argues that there is no allegation of molestation or sexual harassment in the

complaint dated 22.04.2021, Annexure P-4, given by the complainant after the alleged incident and on the basis of enquiry conducted, Sections 107/151 of the Code were invoked against Harpreet Singh @ Honey, petitioner No.3 and Bhupinder Singh, father-in-law of the complainant. He urges that FIR, Annexure P-1, has been lodged after over a year on the basis of improved version.

Notice of motion.

On asking of the Court, Mr. A.S.Gill, Senior DAG, Punjab accepts notice on behalf of State-respondent. Upon instructions received from ASI, Balwinder Singh, he submits that three injuries have been suffered by the complainant, which have been referred for further medical opinion. List on 23.11.2022.

The petitioners shall appear before the Investigating Officer and join investigation and would appear as and when called by him. In the event of arrest, they shall be admitted to interim bail on their furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. They shall also abide by the conditions as specified under Section 438 (2) Cr.P.C.”

Learned counsel for the petitioners contends that in compliance of the order dated 26.07.2022, passed by co-ordinate Bench of this Court, petitioner has joined the investigation and has fully co-operated with the investigating agency.

Learned counsel for the State, on instructions from ASI Balwinder Singh, confirms the said averment and submits that petitioner has already joined the investigation and he is not required for the purpose of investigation.

Heard learned counsel for the parties.

Since the petitioner has joined the investigation and his custodial interrogation is not required, present petition is allowed and ad-interim order dated 26.07.2022 is made absolute.

However, petitioner shall continue to join the investigation as and when required to do so and abide by all the conditions laid down under Section 438(2), Cr.P.C.

(SANJAY VASHISTH)
JUDGE

November 23, 2022
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<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>