

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

204

CRM-M-35917-2021

Date of Decision:10.02.2022

**KASHMIR SINGH ALIAS GAGGU
VERSUS**

...PETITIONER

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Tarun Sharma, Advocate for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab.

SUVIR SEHGAL, J.(ORAL)

Heard through video conferencing.

Vide the instant petition filed under Section 438 of Code of Criminal Procedure, 1973, the petitioner seeks anticipatory bail in case FIR No.23 dated 11.03.2021, Annexure P-1, registered under Sections 354/452/324/323/34 of IPC, 1860, at Police Station Zira, District Ferozepur.

As per the case of the prosecution, FIR, Annexure P-1, has been registered on the statement of Gurpreet Kaur @ Gogi on the allegation that in the evening of 09.03.2021, Gagandeep Singh @ Gagna armed with a *stick* and Kashmir Singh @ Gaggu (present petitioner) armed with *kappa* forcibly entered her house. Kashmir Singh @ Gaggu entered into a scuffle with her and tore her shirt and gave blows on her limbs with the *kappa*. Gagandeep @ Gagna inflicted *stick* blow on her and gave her punches in the abdomen. When she raised an alarm, her mother-in-law came at the spot and the accused fled away. It has been alleged that both the accused used to tease her, but out of fear, she did not reveal this to anyone.

While granting interim protection to the petitioner on 03.11.2021 in the main case, this Court passed the following order:-

“Learned counsel for the petitioner inter alia submits that a bare perusal of the inquiry report prepared by Senior Superintendent of Police, Ferozepur (Annexure P-3) would go to show that the allegations levelled against the petitioner/co-accused persons were highly exaggerated. Submits further that the petitioner has been falsely implicated by the complainant on account of grudge that he had intervened for medical treatment of the children injured in the fight between the complaint's side, and Jagdeep Singh and Karanveer Singh.

Notice of motion for 10.02.2022.

Mr. S.S. Cheema, AAG, Punjab, to accept notice on behalf of respondent No.1/State. A copy of the Paper-book be supplied to him.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall 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.”

Upon instructions from ASI Amarjit Singh, State counsel submits that the petitioner has joined the investigation pursuant to the order passed by this Court, recovery has been effected from him and he is no longer required for custodial interrogation. Upon further instructions, he submits that the petitioner is not involved in any other criminal case.

In view of the said facts, the present petition is allowed and the order dated 03.11.2021 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.

10.02.2022
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(SUVIR SEHGAL)
JUDGE

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