

**211 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH
(Through Video Conferencing)**

**CRM-M-36897-2021 (O&M)
Date of decision: 04.02.2022**

Jasvir Singh @ JassiPetitioner
Versus
State of PunjabRespondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. H.S. Dhindsa, Advocate
for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab
for the respondent-State.

Mr. Abdul Aziz, Advocate
for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)
CRM-31631-2021

Prayer in the instant application is for adding offences under Section 354-A(1) and 201 IPC to the FIR in the head note and prayer clause of the petition.

For the reasons mentioned in the application, the same is allowed and offences under Section 354-A(1) and 201 IPC are allowed to be added to the FIR in the head note and prayer clause of the petition. Registry is directed to amend the head note and prayer clause of the petition accordingly.

CRM-M-36897-2021

This is the first petition filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.67 dated 21.07.2021 lodged under Sections 354, 354-D, 341 and 506 IPC (Sections 354-A(1) and 201 IPC added lateron) registered at Police Station Sandaur, District Sangrur.

Learned counsel for the petitioner inter alia contends that

the petitioner has been falsely implicated in the case in hand on account of a property dispute between him and his maternal uncle who happens to be a friend of the complainant's husband. In support learned counsel has drawn the attention of this Court to Annexure P-2 dated 02.03.2020 which is a complaint given by the petitioner against various persons including the husband of the complainant. Learned counsel submits that since no action was taken on his aforementioned complaint, the petitioner approached through RTI to inquire about the status of his complaint vide Annexure P-4 dated 28.04.2021. It has been urged that it was evident that the complainant in connivance with his maternal uncle had fabricated a false version against him. Learned counsel submits that out of 14 prosecution witnesses cited, only the complainant, prosecutrix and the investigating officer have been examined till date and thus, there is no likelihood of the trial concluding in the near future.

Per contra, learned State counsel assisted by learned counsel for the complainant have vehemently opposed the prayer and submissions made by the counsel opposite. It has been submitted that no doubt the offences for which the petitioner is facing trial are triable by Magistrate but the conduct of the petitioner has been such that he does not deserve to be extended the concession of bail. Learned State counsel has submitted that prior to the registration of the FIR in question, FIR No.18 dated 08.03.2020 under Sections 354-D, 294 and 506 IPC was registered at the instance of the same prosecutrix wherein she had levelled allegations against the petitioner of indulging in vulgar and obscene acts with her. Learned State counsel in support has drawn

the attention of this Court to the allegations levelled in that FIR, which is annexed as Annexure P-3. He has further drawn the attention of this Court to the allegations levelled in the FIR in question by urging that despite the registration of the earlier FIR against him, the petitioner continued harassing the prosecutrix by indulging in inappropriate behaviour, which is evident from a perusal of the allegations levelled in the FIR in question (Annexure P-1) wherein it stands revealed that the petitioner had also extended threats of dire consequences to her as well as her husband. Learned State counsel submits that it cannot be believed that on account of some property dispute that too between the petitioner and his maternal uncle, a false and fabricated case would be planted upon him by the complainant by putting her reputation at stake. Learned State counsel has further submitted that the complaint, which was made by the petitioner and on which a great deal of reliance has been placed upon by the counsel opposite pertains to the same date when the first occurrence took place and hence it is apparent that the petitioner was just trying to create some defence in his favour. Learned State counsel submits that seeing to the conduct and antecedents of the petitioner, there is every likelihood that in case he is extended the concession of bail, he could again commit a similar offence or even abscond. Besides, it has also been submitted that both the complainant and her husband while stepping into the witness box had supported the case of the prosecution.

I have heard learned counsel for the parties and perused the material placed on record.

In view of the facts and circumstances as enumerated

hereinabove and in particular the conduct of the petitioner subsequent to the registration of FIR No.18 dated 08.03.2020 under Sections 354, 294, 506 IPC against him, this Court does not deem it fit to extend the concession of bail to the petitioner. Accordingly, the instant petition is dismissed. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

04.02.2022

Vinay

(MANJARI NEHRU KAUL)

JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No