

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

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(Through Video Conferencing)

(1)

CRM-M-45658-2021

Date of decision: 21.02.2022

Manjinder Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

(2)

CRM-4773-2022 in/and

CRM-M-3287-2022 (O&M)

Simranjit Kaur

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Sandeep Kumar, Advocate
for the petitioner in CRM-M-45658-2021 and
for respondent No.2-CRM-M-3287-2022.

Mr. Luvinder Sofat, AAG, Punjab.

Ms. Satpreet Grewal Kapila, Advocate
for the petitioner in CRM-M-3287-2022 and
for the complainant in CRM-M-45658-2021.

MANJARI NEHRU KAUL, J. (ORAL)

CRM-4773-2022 in CRM-M-3287-2022 (O&M)

For the reasons mentioned in the application, the same is allowed and reply to the petition and copies of documents mentioned the application are taken on record as Annexures R-2/1 to R-3/33, subject to all just exceptions.

Main Cases

This order will dispose of the above referred two petitions as they have arisen out of the same FIR.

Petitioner-Manjinder Singh has filed CRM-M-45658-2021 for grant of anticipatory bail in case FIR No.161 dated 15.10.2020 under Sections 323, 341 and 506 IPC (Section 354 IPC and Section 6 of the POCSO Act added lateron) registered at Police Station Sadar, Hoshiarpur while petitioner-Simranjit Kaur has filed CRM-M-3287-2022 for cancellation of interim anticipatory bail granted to petitioner-Manjinder Singh vide order dated 01.11.2021 extended for offence under Section 6 of the POCSO Act vide order dated 24.11.2021 in the above said FIR.

Learned counsel for petitioner-Manjinder Singh *inter alia* contends that the complainant had moved a complaint on 01.08.2020 levelling the same set of allegations, which she levelled subsequently while getting her second complaint dated 15.09.2020 (Annexure P-11) lodged. A proper inquiry was carried out, however, no substance was found qua the said allegations as a result of which petitioner was declared innocent by the investigating agency. While inviting the attention of this Court to complaint dated 15.09.2020 (Annexure P-11) learned counsel submits that on the same set of allegations, complainant while lodging the second complaint for reasons best known, rather obvious, intentionally did not refer to the earlier complaint in which petitioner was found innocent. He further submits that in fact there was a history of animosity between the parties as in April, 2019 at the instance of the petitioner's family, a DDR too had been registered against the complainant under Sections 107 and 150 IPC. Still further,

he submits that the allegations of daughter of the complainant being subjected to physical assault, was not supported by any shred of evidence as also stood noticed in the inquiry report dated 05.09.2020 (Annexure P-10). He further submits that in compliance of order dated 01.11.2021 passed in CRM-M-45658-2021, the petitioner has joined investigation and cooperated with the investigating agency.

Learned State counsel assisted by learned counsel for the complainant-petitioner-Simranjit Kaur, on instructions from ASI Subhram Singh, does not dispute the factum of petitioner-Manjinder Singh having joined investigation and cooperated with the investigating agency. Learned State counsel on further instructions submits that petitioner-Manjinder Singh is not required for further investigation much less for his custodial interrogation.

Per contra, learned counsel appearing for complainant-petitioner-Simranjit Kaur has opposed the prayer made by counsel opposite by urging that subsequent to the order dated 01.11.2021, petitioner-Manjinder Singh had indulged in unruly behaviour and also extended threats to the victim as a result of which she sustained serious injuries on her person.

Status report by way of affidavit of Prem Singh, PPS, Deputy Superintendent of Police, Sub-Division City, District Hoshiarpur in compliance of order dated 01.02.2022 on behalf respondent-State has been filed in CRM-M-3287-2022 in the Registry of this Court which is taken on record subject to all just exceptions.

Learned State counsel has submitted that a detailed inquiry was carried out pursuant to a complaint made by the victim, however,

no grain of truth was found in the allegations levelled. Learned State counsel has still further submitted that the complainant despite being repeatedly asked by the investigating agency to join the inquiry proceedings initiated on her complaint dated 10.12.2021, had failed to join. On a query put to the learned State counsel about the nature of injuries allegedly received by the complainant on account of the alleged attack, it was submitted that all the injuries were found to be simple in nature.

Learned counsel for petitioner-Manjinder Singh, on the other hand, has also vehemently disputed the allegations levelled by complainant-Simranjit Kaur in her complaint dated 10.12.2021 qua occurrence dated 09.12.2021 by arguing that it was a matter of record that on the 09.12.2021 and at the time of occurrence i.e. 03:30 P.M. petitioner-Manjinder Singh was present in his office at Ludhiana where he is working as Manager of Mess Staff, State Bank of India and hence he could not have possibly been present at the place of occurrence at Hoshiarpur as it is at a considerable distance from Ludhiana. It was submitted that the complainant had concocted a false story with an oblique motive so that petitioner-Manjinder Singh was denied the concession of anticipatory bail.

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

This Court in the wake of submissions made by learned State counsel that petitioner-Manjinder Singh had joined investigation and was not required for further investigation coupled with the fact that no substance was found in the allegations levelled by the complainant

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qua the occurrence dated 09.12.2021, CRM-M-45658-2021 is allowed
and order dated 01.11.2021 is made absolute.

Resultantly, CRM-M-3287-2022 (O&M) being devoid of
any merit is dismissed.

21.02.2022	(MANJARI NEHRU KAUL)
Vinay	JUDGE
Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No