

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

Sr. No.205

CRM-M-45499-2021

Date of decision: 03.03.2022

Manu Mahajan and another

....Petitioners

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Vikas Kumar, Advocate for
Mr. B.D. Sharma, Advocate
for the petitioner.

Ms. Bhavna Gupta, DAG, Punjab.

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DEEPAK SIBAL, J. (Oral)

The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No.165 dated 16.10.2021 registered under Sections 452, 323, 506, 509, 34 IPC at Police Station Sadar Jalandhar, District Jalandhar.

On October 29, 2021, this Court had passed the following order:-

“Through this petition under Section 438 Cr.P.C., prayer has been made for grant of anticipatory bail to petitioners in case FIR No. 165 dated 16.10.2021 registered under Sections 452, 323, 509, 506, 34 IPC at Police Station Sadar, Jalandhar.

According to the prosecution, complainant and her husband are residing in a flat just above the flat of petitioners. On 14.10.2021 at about 8.45 P.M., both the petitioners entered the house of the complainant. When the complainant and her husband asked them as to what they were doing in their house, then petitioner No. 1-Manu Mahajan, in a loud voice stated that they are causing huge noises by using hammers and heavy machinery over their flat. Thereafter, both the petitioners started manhandling the complainant and her husband, despite the fact that complainant

had told them that she was pregnant at that time and her husband has just recovered from Dengue fever. During the said scuffle, the complainant received a blow on her belly.

Learned counsel *inter alia* contends that petitioners have falsely been implicated in the instant case. On the date of occurrence, the complainant was causing great nuisance by using drilling and hammering in her flat resulting into great noise and thudding sounds causing great inconvenience to the petitioners and their family members. Petitioner No. 1-Manu Mahajan, has been attributed only a fist blow on the person of complainant. All the injuries on the person of complainant were found simple in nature. Offence under Section 452 IPC is triable by Magistrate or not is debatable.

Notice of motion.

On the asking of Court, Mr. C.L. Panwar, Sr. DAG, Punjab accepts notice on behalf of respondent-State.

Adjourned to **30.11.2021**.

In the meanwhile, the petitioners are directed to join investigation within 7 days from today. In the event of arrest, they shall be released on interim bail subject to the satisfaction of the Arresting/Investigating Officer. They shall remain bound by the conditions envisaged under Section 438 (2) Cr.P.C.”

Learned State counsel submits that under the afore-quoted order passed by this Court, the petitioners have joined the investigation; co-operated with the investigating agency and that their custodial interrogation is not required by the State.

After considering the submissions made on behalf of the petitioners in the afore-quoted order and the statement made on behalf of the State, the interim order of this Court dated 29.10.2021, granting ad interim anticipatory bail to the petitioners is made absolute.

March 03, 2022

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(DEEPAK SIBAL)

JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No