

212 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-42322-2022

Date of Decision: 08.12.2022

HEMRAJ AND ANOTHER ... PETITIONERS
VS.
STATE OF PUNJAB .. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Ms. Shikha Khullar, Advocate
for the petitioners.

Ms. Ruchika Sabherwal, DAG, Punjab.

VIVEK PURI, J.(ORAL)

On 15.09.2022, the following order was passed:-

“The petitioners are seeking anticipatory bail in case bearing FIR No.10 dated 15.01.2022 under Sections 323/341/451/506/148 and 149 IPC (Section 354 IPC added later on by G.D. No.32 dated 02.04.2022) registered at Police Station Division No.8, District Ludhiana.

Briefly the allegations in the FIR are to the effect that at the earlier instance Tara Chand Saini had been sending messages to the complainant by making fake ID on facebook. The messages were being sent from the mobile phone of Monika, who was friend and colleague of the complainant. On 10.01.2022, Monika alongwith her sister, mother and other unidentified persons came downstairs to the house of the complainant, tried to pull her out, they gained entry in the house, damaged the articles, gave beatings and tore the clothes of the complainant. The golden chain of the complainant was also misplaced in the occurrence.

Learned counsel for the petitioners contend that the FIR has been lodged after a delay of 05 days and the name of petitioners has not been mentioned therein. The offence under Section 354 IPC has been added vide GD No.32 dated 02.04.2022 after a delay of about 2½ months. Even the name of the petitioners has not been mentioned therein. The petitioners are being roped in as Monika is the sister of petitioner No.1 and cousin of petitioner No.2 and she was colleague of Tara Chand Saini with whom the complainant was having dispute.

Notice of motion.

Ms. Ruchika Sabherwal, DAG, Punjab, accepts notice on behalf of the respondent-State. She contends that the petitioners have been nominated in the supplementary statement of the complainant which has been recorded on 07.09.2022. On a query, it has been stated that there are 05 accused and the three accused, namely, Monika, Usha Rani

and Sangeeta Rani are on bail.

Adjourned to 08.12.2022.

In the meanwhile, the petitioners are directed to join investigation and in the event of their arrest, he shall be released on interim bail to the satisfaction of the Investigating Officer/Arresting Officer subject to the conditions as envisaged under Section 438 (2) of Code of Criminal Procedure.”

Learned counsel for the petitioners contend that in pursuance of interim directions issued by this Court, the petitioners have joined the investigation.

Learned State counsel, on instructions from H.C.Mohan Singh, has not disputed the aforesaid factual aspect and further submits that custodial interrogation of the petitioners is not required.

Keeping in view the entire circumstances, sufficient grounds are made out to extend the concession of pre-arrest bail to the petitioners. Accordingly, order dated 15.09.2022, vide which the petitioners have been granted interim bail, is made absolute.

Petition is allowed.

08.12.2022
smriti

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No