

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

**CRM-M-49140-2021
Date of decision: 18.04.2022**

SUKHWINDER SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Vivek Salathia, Advocate
for the petitioner.

Mr. Hittan Nehra, Addl. AG, Punjab.

VIVEK PURI, J. (ORAL)

Reply by way of affidavit of Jodinger Singh, PPS, Assistant Commissioner of Police, Licensing & Security additional charge of Central, Amritsar City on behalf of the respondent-State has been filed and the same is taken on record.

On 12.01.2022, the following order was passed:-

“The matter has been taken up through video-conferencing due to COVID-19 pandemic.

Petitioner is seeking anticipatory bail in case bearing FIR No. 233 dated 02.10.2021 under Sections 452, 354-B, 427 IPC of 1860, registered at Police Station Gate Hakima, District Police Commissionerate Amritsar.

Briefly, the allegations are to the effect that on 30.09.2021 the petitioner had gained entry in the house of the complainant and committed assault and outraged her modesty. It has been contended by learned counsel for the petitioner that the complainant is working as a property dealer and through her a deal for purchase of plot for Rs.3,50,000/- was finalized. An agreement dated 11.11.2019 was executed and a sum of Rs.3,00,000/- was paid to Radhika, the proposed seller. The sale transaction could not materialize and the complainant had refused to return the

money which was advanced to the proposed seller at her instance.

Learned State counsel had sought time to get instructions as to whether the complainant was working as a Property dealer and was party to the transaction pertaining to the agreement dated 11.11.2019.

However, despite two adjournments, reply has not been filed.

Today, learned State counsel has again sought time to file reply in the matter.

Adjourned to 18.04.2022.

In the meanwhile, the petitioner is directed to join investigation and in the event of his 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 petitioner contends that in pursuance of interim directions issued by this Court, the petitioner has joined the investigation.

On instructions from ASI Malkiat Singh, learned State counsel has not assailed the aforesaid factual aspects and states that the petitioner has joined the investigation on 01.02.2022, the recovery of datar has been effected and his custodial interrogation is not required.

In view of the aforesaid submissions, the order dated 12.01.2022, granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C.

The petition is allowed.

18.04.2022
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(VIVEK PURI)
JUDGE

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