

CRM-M-52865-2021

Date of decision: 19.04.2022

BALWINDER SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. A.S.Rai, Advocate
for the petitioner.

Mr. Hittan Nehra, Addl. AG, Punjab.

VIVEK PURI, J. (ORAL)

On 12.01.2022, the following order was passed:-

“Status report has been placed on record.

Petitioner is seeking anticipatory bail in case bearing FIR No.199 dated 27.11.2021 under Sections 354, 323, 506 of IPC 1860, registered at Police Station Mahilpur, District Hoshiarpur.

Briefly, the allegations in the FIR are to the effect that the complainant is aged about 52 years and was having joint tubewell with the petitioner, who is the elder brother of her husband. On 26.11.2021, the complainant was present in her fields and the petitioner caught hold of her from the hair, threw her on the ground, gave beatings and tried to outrage her modesty and also gave fist blow on the vagina.

The MLR has been placed on record. As per the status report, following injuries were found on the person of the complainant.

“i. Abrasion of 0.5 cm x 1 cm on ant aspect of right leg just near the knee joint, advised X-ray.

ii. C/o blows to right forearm. No external injury mark seen. Advised X-ray.

iii. C/o blows to left side of mandible c/o pain present.

No external injury mark seen. Advised X-ray.

iv. C/o blows to lower back. No external injury mark seen. Advised X-ray.”

*As per the opinion of the Doctor, the injuries were simple in nature.
Learned counsel for the petitioner has pointed out that the present FIR has been falsely registered on account of dispute pertaining to the tubewell between the relatives.
Adjourned to 19.04.2022.
Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”*

Learned counsel for the petitioner contends that the petitioner is 65 years old and elder brother of the husband of the complainant. There was a dispute with regard to tubewell and simple injuries have been allegedly inflicted on the person of the complainant. Furthermore, the petitioner has joined the investigation in pursuance of interim directions issued by this Court.

On instructions from ASI Balbir Singh, learned State counsel has not assailed the aforesaid factual aspects and states that the petitioner has joined the investigation on 14.01.2022 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.

19.04.2022
renubala

(VIVEK PURI)
JUDGE

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