

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

CRM-M-48500-2022

Date of Decision: 12.12.2022

Labhheera Singh @ Lucky

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Achin Gupta, Advocate, for the petitioner.

Mr. Karunesh Kaushal, Assistant Advocate General, Punjab.

Rajesh Bhardwaj, J. (ORAL)

Prayer in the present petition is for the grant of regular bail to the petitioner in a case FIR No.56 dated 17.05.2022, registered under Sections 354-B, 323, 34 IPC, at Police Station Sadar Kotkapura, District Faridkot.

As per factual matrix of the case, the FIR was lodged by the prosecutrix herself (name concealed), wherein, it was alleged that on 16.05.2022, the prosecutrix, her daughter-in-laws and daughter were present in the house and at about 7:45 pm, when she went upstairs, then the petitioner accused was sitting alongwith co-accused. They started making obscene comments to the prosecutrix. On her resistance, they got infuriated and fight ensued. The petitioner and the co-accused came armed with different weapons. The petitioner was armed with iron road. Labh Hira Singh @ Lucky i.e. the petitioner and Ram Singh disrobed the prosecutrix and the petitioner also hit Sahil i.e. the son of the prosecutrix on his head. The other family members of the prosecutrix were also caused injuries. They were shifted to Civil Hospital, Kotkapura, where doctors provided

them medical treatment. Request was made to lodge the FIR against the accused and to take legal action against them. On registration of the FIR, the investigation commenced and the petitioner was arrested on 24.08.2022. He approached the Court of learned Addl. Sessions Judge, Faridkot for grant of bail, who, after hearing the parties, declined the same vide order dated 10.10.2022. Aggrieved by the same, the petitioner has approached this Court by way of filing the present petition for grant of bail.

It has been contended by learned counsel for the petitioner that the petitioner and the complainant both are immediate neighbours and there remains petty issues amongst them. He submits that on account of the same, the petitioner has been falsely and frivolously implicated by the prosecutrix in this case. He has submitted that the petitioner is a young boy at threshold of his life and the allegations pertaining to outraging modesty of the prosecutrix by disrobing her are without any basis. He has submitted that the allegations have been made only in order to implicate the petitioner in heinous offence. He submits that similarly situated co-accused Ram Singh has already been granted anticipatory bail by this Court. He has submitted that the petitioner has no criminal antecedents as he has never been involved in any other case except the present case. He further submits that the investigation is complete and thus, the petitioner deserves to be enlarged on bail.

Learned State counsel has opposed the submissions made by learned counsel for the petitioner. He has submitted that there are specific allegations against the petitioner of disrobing the prosecutrix. He has submitted that the petitioner has also caused injuries to the son of the complainant, namely, Sahil, however, the same were of the simple in nature.

He submits that as per instructions, the petitioner has no criminal antecedents. He further submits that the investigation is complete and the case is fixed for framing of charges.

Heard.

Evidently, the petitioner is behind bars since 24.08.2022. Similarly situated co-accused Ram Singh has been granted anticipatory bail by this Court. The petitioner has allegedly caused injuries on the head of Sahil i.e. the son of the prosecutrix, however, the same were found simple in nature. There is nothing on record to show that the petitioner has any criminal antecedents. The investigation already stands completed. The veracity of the allegations would be evaluated by the trial Court only after appreciation of the complete evidence led by both the parties. This Court would refrain itself from commenting anything on the merits of the case, however, considering the prayer for grant of bail to the petitioner, I am of the view that learned counsel for the petitioner has been able to make out a case for grant of regular bail to the petitioner. The trial would take sufficiently long time for its conclusion.

Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail to the satisfaction of the concerned trial Court/Duty Magistrate.

Nothing said herein shall be treated as an expression of opinion on the merits of the case.

(RAJESH BHARDWAJ)

JUDGE

12.12.2022

sharmila

Whether Speaking/Reasoned :

Whether Reportable :

Yes/No

Yes/No