

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

CRM-M-52660-2021 (O&M)
Date of Decision:- 14.2.2022

Kulwant Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. G.P.S.Ghuman, Advocate for the petitioner.

Mr. Harbir Sandhu, AAG, Punjab,
assisted by SI Jaspal Singh.

Mr. G.S. Nahel, Advocate for the complainant.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.

1. The petitioner has approached this Court seeking grant of anticipatory bail in a case registered against him vide FIR No. 87 dated 5.12.2021 under Sections 379-B, 323, 353, 186 IPC at Police Station Sadar Kurali, District SAS Nagar.
2. The FIR was registered at the instance of ASI Gurnam Singh wherein it has been alleged by him that on 5.12.2021, at about 3:40 a.m., Head Munshi (night) informed him that a phone call had been received from control room to the effect that mobile phone of a lady namely Kuldeep Kaur had been snatched and she has been locked in a room in Taj Hotel and has been assaulted. Pursuant to receipt of said information ASI Gurnam Singh accompanied by Constable Harminder Singh went to Taj Hotel, Kurali and

got the main door opened. They found that Inspector Kulwant Singh (petitioner) who was working in District Mohali was present there and had consumed liquor. Inspector Kulwant Singh is alleged to have slapped the complainant as soon as he entered and also assaulted him inside Taj Hotel while retorting that the complainant had come there for initiating action against him, upon complaint of Kuldeep Kaur. It is alleged that the petitioner slapped and punched the complainant several times while he was in uniform. However, the complainant with the help of his driver Harminder Singh took along Kuldeep Kaur and another girl namely Sarita to police station. It is alleged that Inspector Kulwant Singh had also snatched the mobile phones of said two ladies which were bearing No. 7814368276 and 9877066151.

3. The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case on account of some professional rivalry. It has been submitted that in any case even if the contents of the FIR are taken to be correct, still no offence under Section 379-B IPC can be said to be made out. The learned counsel has further submitted that subsequently, Kuldeep Kaur in her application (Annexure P-5) has clarified that a false case has been foisted against the petitioner. The learned counsel has further submitted that in fact the statement of said Kuldeep Kaur had been recorded by DSP and the matter was now being inquired into.
4. On the other hand, the learned State counsel has opposed the petition and has submitted that since serious allegations including allegations in the nature of Sections 353 and 186 IPC has been levelled against the petitioner, no special case for grant of anticipatory bail is made out. The learned State

counsel has further informed that infact at the time of occurrence, the victim had made a distress phone call at phone no. 112 which stands recorded. It has further been submitted that the CCTV footage collected from the spot also shows that the petitioner was manhandling the complainant, which would clearly substantiate the allegations levelled in the FIR.

5. I have considered rival submissions addressed before this Court.
6. Though, the letter (Annexure P-5) does show that the victim has come out with a version in support of the petitioner but the fact that a distress call was made by the victim to the helpline number i.e. telephone no. 112 and that the occurrence is also partly recorded in CCTV footage showing the petitioner to be manhandling the complainant, the allegations are fairly substantiated. The allegations assume gravity in view of the fact that the accused himself belongs to a disciplined force but has indulged in such like deprecable acts. As such, no case for grant of anticipatory bail is made out.
7. There is no merit in this petition and the same is hereby dismissed.

14.2.2022

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No