

208 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-54020-2021

Date of Decision: 07.03.2022

KALA SINGH AND ORS ... PETITIONERS
VS.
STATE OF PUNJAB .. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr.K.S.Brar, Advocate, for the petitioners.

Ms. Ruchika Sabherwal, AAG, Punjab.

Mr. Kamal Narula, Advocate, for the complainant.

VIVEK PURI, J.(ORAL)

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

Mr. Kamal Narula, Advocate, has passed on *vakalatnama* on behalf of the complainant. Print out of the same is taken on record.

On 18.01.2022, the following order was passed:-

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

Petitioners-Kala Singh, Baljinder Singh @ Balwinder and Sukhdev Singh, are seeking anticipatory bail in case bearing FIR No.190 dated 17.07.2021 under Sections 354-B read with Section 34 IPC registered at Police Station Sadar, Fazilka.

Briefly, the case has been registered on the allegations that 13.07.2021, they had torn the clothes of the victim and outraged her modesty.

Learned counsel for the petitioners contends that the petitioners are the neighbours of the complainant/victim and a false case has been registered against them on account of dispute of common wall. On the application of wife of petitioner No.1, an inquiry in

the matter was conducted by Deputy Superintendent of Police, who found the petitioners to be innocent, though the said inquiry report has not been accepted by Senior Superintendent of Police, Fazilka.

Notice of motion

Ms. Ruchika Sabherwal, AAG, Punjab, accepts notice on behalf of respondent-State.

Adjourned to 07.03.2022.

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 petitioners contends that in pursuance of interim directions issued by this Court, the petitioners have joined the investigation.

Learned State counsel, on instructions from ASI Mohinder Singh, has stated that the petitioners have joined the investigation and their custodial interrogation 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 18.01.2022, vide which the petitioners have been granted interim bail, is made absolute.

Petition is allowed.

07.03.2022
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(VIVEK PURI)
JUDGE

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