

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

213

CRM-M-6901-2023

Date of Decision: 23.02.2023

Amritpal Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Davinder Singh, Advcoate for the petitioner

Mr. Amish Sharma, AAG, Punjab
(assisted by ASI Manjit Singh)

JAGMOHAN BANSAL, J. (ORAL)

On 09.02.2023, the following order was passed:-

“Through instant petition under Section 438 of Code of Criminal Code, 1973, the petitioner is seeking anticipatory bail in FIR No. 0126 dated 19.12.2022, under Sections 452 and 354 IPC, registered at Police Station City Morinda, District Rupnagar.

Case of the prosecution is that the petitioner on 14.12.2022 at about 12.00 Noon entered into house of the complainant and caught hold the complainant from her neck from back side with an intention to outrage her modesty. The complainant was cleaning the utensils in her routine and she gave utensil blow on the head of the petitioner in order to rescue herself. The FIR came to be registered on 19.12.2022.

Learned counsel for the petitioner inter alia contends that family members of the complainant gave merciless beatings to the petitioner on 14.12.2022 and 17.12.2022 due to his relations with daughter of the complainant. The petitioner was medically examined by doctors of Civil Hospital, Morinda on 17.12.2022 and as per medical report, he has suffered 10 injuries. The complainant has lodged FIR on 19.12.2022 alleging commission of offence on 14.12.2022. The complainant in order to save herself and her family members lodged false FIR against the petitioner. It is the petitioner who

suffered 10 injuries at the hands of complainant and her family members. The petitioner is ready to join investigation and face proceedings. There is no possibility of flee from justice. The arrest would cause irreparable loss, mental agony, embarrassment and humiliation to petitioner as well entire family.

Notice of motion.

On the asking of Court, Mr. Amish Sharma, AAG, Punjab, who is present in court on advance notice, accepts notice on behalf of State-respondent.

Meantime, keeping in mind law enunciated by Hon'ble Supreme Court in Thana Singh v. Central Bureau of Narcotics, (2013) 2 SCC 590, Arnab Manoranjan Goswami V. State of Maharashtra, (2021) 2 SCC 427, Satender Kumar Antil V. CBI (2022) 10 SCC 51, Siddharam Satlingappa Mhetre V. State of Maharashtra & Ors., 2010 SCC OnLine SC 1375, Shri Gurbaksh Singh Sibbia V. State of Punjab (1980) 2 Supreme Court Cases 565, Arnesh Kumar V. State of Bihar (2014) 8 SCC 273, at the first instance, the petitioner is directed to appear before investigation officer on 16.02.2023 and thereafter as directed by IO. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing of bail/surety bonds to the satisfaction of investigating/arresting officer. The petitioner shall co-operate the investigating officer.

If the arresting officer does not permit the petitioner to join the investigation, the petitioner would appear before the learned Illaqa Magistrate who would then summon the arresting officer and direct him to join the petitioner in investigation, in terms of the order of this Court.

Adjourned to 23.2.2023.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and trial court shall proceed without being prejudiced by observations of this Court..”

Learned State counsel, on instructions from ASI Manjit Singh, submits that the petitioner has already joined investigation and no custodial interrogation is required.

In view of the above, the petition is allowed and the interim bail granted to the petitioners vide order dated 09.02.2023 is made absolute subject to the conditions envisaged under Section 438(2) of Cr.P.C.

If the petitioner or his family members/associates make any attempt to threat/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted by this order.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and Trial Court shall proceed without being prejudiced by observations of this Court.

(JAGMOHAN BANSAL)
JUDGE

23.02.2023
Mohit Kumar

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>