

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

CRM-M-16705-2022

Date of decision: 05.12.2023

TEHAL SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Sukhjit Singh, Advocate for the petitioner.

Ms. Ruchika Sabherwal, DAG, Punjab.

Mr. Kulwant Singh, Advocate for the complainant.

VIVEK PURI,J. (ORAL)

1. Petitioner is seeking anticipatory bail in the case bearing FIR No.016 dated 04.04.2022, under Sections 323/341/354/506 IPC, registered at Police Station Sudhar, District Ludhiana Rural.
2. On 25.04.2022, the following order was passed by the Co-ordinate Bench of this Court:

"Learned counsel for the petitioner inter-alia contends that the petitioner, who is a 75 years old man, has been falsely implicated in this case on account of civil litigation between the petitioner and his brother Gurmail Singh who is an associate of the complainant/complainant's husband; the complainant side had attacked the petitioner as a result thereof he received 08 injuries; the allegations by the complainant with regard to molestation on the face of it are false as no person would indulge in such act in the presence of one's wife; the alleged injuries on the complainant are self inflicted and in any case simple and that the petitioner is also ready and willing to join and cooperate with the investigation.

Notice of motion.

Ms. Gunkirat Kaur, Assistant Advocate General, Punjab, accepts notice on behalf of the respondent-State and Mr. Kulwant Singh, Advocate put in appearance on behalf of the complainant.

For arguments, adjourned to 25.08.2022.

Till the adjourned date the petitioner's arrest is stayed.

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Before the adjourned date the State shall file a concise status report."

3. Thereafter, on 06.12.2022, the following order was passed by the Co-ordinate Bench of this Court:-

*"Status report received.
Learned counsel for the petitioner seeks an adjournment, on his request, adjourned to 17.01.2023.
Interim order to continue, subject to joining of investigation."*

4. Learned counsel for the petitioner contends that the petitioner has joined the investigation in pursuance of interim directions.

5. On instructions from Rapinder Singh, learned State counsel has not disputed the aforesaid factual aspects and also submits that the petitioner has joined the investigation and his custodial interrogation is not required.

6. Learned counsel for the complainant has opposed the bail application on the score that there are serious allegations against the petitioner.

7. In pursuance of interim directions, the petitioner has joined the investigation. There is a categoric stand of the learned State counsel, on instructions from ASI Rapinder Singh that the custodial interrogation of the petitioner is not required.

8. In these set of circumstances, the petition is allowed and it is directed that in the event of arrest, the petitioner be released on bail on furnishing bail bonds to the satisfaction of the Arresting Officer subject to the condition that he complies with the provisions of Section 438(2) Cr.P.C.

05.12.2023
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(VIVEK PURI)
JUDGE

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