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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-27618-2022

Date of Decision:- 01.02.2023

SWARAN KUMAR @ SWARAN CHAUDHARY AND ANR

....Petitioner

Vs.

STATE OF PUNJAB

...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present: Mr. Impinder Singh Dhaliwal, Advocate
for the petitioners.

Mr. M.S.Joshi, Addl. A.G. Punjab.

Mr. Inderjit Sharma, Advocate
for the complainant.

AMARJOT BHATTI, J. (Oral)

The petitioners – Swaran Kumar @ Swaran Chaudhary and Rajat Chaudhary @ Shanu Chaudhary have filed the instant petition under Section 438 Cr.P.C. for grant of anticipatory bail in FIR No.42 dated 27.02.2022 under Sections 354-D, 323, 506, 34 of IPC (Section 451 of IPC and Section 11(4) and 12 of POCSO Act added later on) registered at Police Station City Sri Muktsar Sahib, District Sri Muktsar Sahib.

The facts of the case are that the complainant gave his statement to the police that he is 17 years old and studying in 11th class in Government Senior Secondary School (Boys), Kotakpura Road, Sri

Muktsar Sahib. On 27.02.2022 at about 04:00 P.M, he was going towards Gandhi chowk, Sri Muktsar Sahib along with her sister Ekamjot Kaur, aged about 15 years. Swaran Kumar started doing obscene gestures and started following his sister. He left his sister at home and went to the shop of Swaran Kumar to complain. On this, Kishore Kumar - father of Swaran Kumar gave beatings to him and Swaran Kumar also slapped him. He disclosed about this incident to his father. Thereafter, at about 06:45 P.M, Swaran Kumar, his brother Rajat @ Shanu Chaudhary, his father Kishore Kumar came along with 6-7 other persons to his shop and started beating him and his father Gurpal Singh. They were saved by the neighbouring persons. In this occurrence, he lost his gold chain, weighed 14 grams. His father arranged a vehicle and admitted him to Civil Hospital, Sri Muktsar Sahib. With these allegations, present FIR has been registered.

Learned counsel for the petitioners argued that all the allegations levelled against them are false. No such occurrence took place. The allegations are vague and general in nature. The present FIR is counter blast to the complaint filed by the father of petitioner no. 1 regarding the occurrence dated 26.02.2022. Even otherwise, they have joined the investigation and they are still ready to join the investigation. It is prayed that their anticipatory bail application may be allowed.

Learned counsel representing the State has filed the status report alleging that the identity of other unknown persons is to be disclosed by the accused named by the complainant. Kishore Kumar – accused has been released on bail in compliance to the order dated 19.05.2022 passed by the Hon'ble High Court. The unknown persons are yet to be arrested. However, it is admitted that the present petitioners have joined investigation on 20.07.2022.

I have considered the arguments and have gone through the record. As per the version of learned counsel representing the State, both the petitioners have joined investigation on 20.07.2022. No recoveries are to be effected from them. The present petitioners are still ready to join the investigation. It is for the Investigating Officer to find out the names of other unknown persons during the course of investigation. Therefore, considering these facts, the *ad interim* bail already granted in favour of the present petitioners vide order dated 14.07.2022 stands confirmed, subject to the conditions specified under Section 438(2) Cr.P.C.

The petition is, accordingly, accepted.

01.02.2023

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(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No