

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

257

CRA-S-1730-2022

Date of Decision: 10.01.2023

Kuldeep Kaur and another

.... Appellants

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. Hoshiar Singh, Advocate for the appellants.

Mr. G.S. Sandhu, Deputy Advocate General, Punjab.

ASHOK KUMAR VERMA, J. (ORAL)

The appellants, namely, Kuldeep Kaur and Harmeet Singh, have filed the present appeal against the impugned order dated 12.08.2022 passed by the learned Additional Sessions Judge, Ludhiana, whereby the application filed by the appellants for grant of anticipatory bail in case FIR No. 213 dated 13.10.2021 registered under Sections 452, 323, 380, 506 read with Section 34 IPC; Sections 3 and 4 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short-'the SC & ST Act') and Sections 66-E/67 of the IT Act at Police Station City Jagraon, District Khanna, was dismissed.

As per prosecution story, the appellants along with their accomplices forcibly entered the house of complainant, scuffled with her and uttered derogatory remarks against her caste. They also forcibly snatched and took away the gold ring of the complainant.

Learned counsel for the appellants, *inter alia*, contends that

from the bare perusal of FIR, it is evident that not even a single word has been uttered by the appellant to the complainant with regard to her caste and community. The appellants were not aware of the caste of the complainant as they do not belong to the village of complainant and even as per FIR, the appellant did not ask for her caste of the family of the complainant. They were not present at the place of occurrence nor any injury has been caused to the complainant by the appellant. The appellants are ready and willing to join the investigation.

Upon notice, status report dated 10.01.2023 by way of affidavit of Sh. Satvinder Singh Virk, Deputy Superintendent of Police, Jagraon, District Ludhiana (Rural), on behalf of respondent-State, has been filed in Court today. The same is taken on record.

In para 7 of the said status report it has been averred that during investigation, statements of the witnesses have been recorded and from their statements it is revealed that the complainant had got registered this case due to mis-understanding with accused persons. The offences under Sections 452 and 380 IPC; Sections 3 and 4 of the SC & ST Act and Sections 66-E/67 of the IT Act, have been deleted. It has also been averred in the status report that with the intervention of respectable persons the complainant has entered into compromise with the appellants and the complainant stated that she does not want any action against the appellants. Further, in view of the statement suffered by the complainant, cancellation report has been prepared in the present case and the same is likely to be presented very soon before the Illaqa Magistrate/trial Court.

I have heard learned counsel for the parties and carefully gone through the relevant record.

Since, the matter has already been compromised between the parties and cancellation report has already been prepared by the poilce which is likely to be presented very soon before the trial Court/Illaqa Magistrate, the present appeal is allowed. Appellants, namely, Kuldeep Kaur and Harmeet Singh, are directed to join investigation within 15 days from today and in the event of their arrest, they shall be released on bail subject to furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. The appellants shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) of the Cr.P.C.

January 10, 2023
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(ASHOK KUMAR VERMA)
JUDGE

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