

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M No.42423 of 2023

Date of Decision : 23.11.2023

Shaken Bathla alias Tinku

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

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

Mr. Mohinder Singh Joshi, Addl. AG Punjab.

ALKA SARIN, J. (Oral)

1. The present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.111 dated 12.08.2023 under Section 354 of the Indian Penal Code, 1860 registered at Police Station Amloh, District Fatehgarh Sahib.

2. On 25.08.2023 the following order was passed :

“This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.111 dated 12.08.2023 under Section 354 of the Indian Penal Code, 1860, registered at Police Station Amloh.

Learned counsel for the petitioner would contend that there are business transactions between the complainant and the petitioner and that the complainant

owes an amount of Rs.2 crores to the petitioner. Learned counsel would further contend that on 10.05.2023 a complaint was filed by the complainant that the petitioner was asking for sexual favours from her daughter, which did not culminate into an FIR. Subsequently, on 12.08.2023, the present FIR was lodged wherein the allegation is that on 19.05.2023 the petitioner had behaved indecently with the daughter of the complainant at the office of Sub Divisional Magistrate, Amloh. Learned counsel would further contend that initially the petitioner had filed a petition under Section 138 of the Negotiable Instruments Act, 1881 also against the complainant. There is also an FIR which has been lodged by the petitioner against the complainant on 12.06.2023 under Sections 406 and 420 IPC. It is further the contention that in view of the above, the petitioner has falsely been implicated in the present case.

Notice of motion.

Mr. Adhiraj Singh, AAG Punjab accepts notice on behalf of the respondent. Mr. Darshan Singh Malwai, Advocate has filed his vakalatnama on behalf of the complainant.

List on 23.11.2023.

Meanwhile, the petitioner is directed to join investigation as and when called for. In the event of

arrest, the petitioner shall be admitted to interim bail on furnishing personal bonds with adequate surety to the satisfaction of the Arresting Officer. The petitioner shall also abide by all the terms and conditions as specified in Section 438(2) of the Code of Criminal Procedure, 1973.”

3. Learned counsel for the petitioner states that the petitioner has since joined the investigation and fully cooperated.

4. Learned counsel for the State on instructions from ASI Jarnail Singh has stated that the petitioner has since joined investigation and fully cooperated and that he is no longer required for further custodial interrogation as of now.

5. In view of the above, the order dated 25.08.2023 is made absolute. The petitioner shall, however, join investigation as and when called. The petitioner shall also abide by all the terms and conditions as specified under Section 438(2) of the Code of Criminal Procedure, 1973.

6. Disposed off accordingly. Pending applications, if any, also stand disposed off.

(ALKA SARIN)
JUDGE

23.11.2023

jk

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO