

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

211-A

CRM-M-44921-2023 (O&M)

Date of Decision : 01.12.2023

SURINDER KUMAR

.... Petitioner

VERSUS

STATE OF PUNJAB

.... Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Manpreet Singh Dua, Advocate for the petitioner.

Mr. Adhiraj Singh Thind, AAG Punjab.

Mr. Arjun Veer Sharma, Advocate for the complainant

ALKA SARIN, J. (ORAL)

1. 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.59 dated 24.06.2023 under Sections 323, 324, 354, 506, 34 of the Indian Penal Code, 1860 registered at Police Station Division No.3, District Police Commissionerate, Ludhiana (Annexure P-1).

2. On 21.09.2023 the following order was passed :

"This is the first petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.59 dated 24.06.2023 under Sections 323, 324, 354, 506, 34 of the Indian Penal Code, 1860 registered at Police Station Division No.3, District Police Commissionerate Ludhiana.

Learned counsel for the petitioner would contend that there is a delay of six days in lodging the FIR. Though the incident is alleged to have occurred on 18.06.2023, the FIR was lodged on 24.06.2023. It is further the contention of the learned counsel that the injuries received by the complainant have been declared as simple in nature and out of 08 injuries, 04 injuries were received by the husband of the complainant out of which 03 have been declared simple and 01 injury was kept under observation. The injury which was kept under observation is on the right hand and not on any vital part of the body. It is further contended that the wife of the petitioner is also a co-accused and has been granted the concession of anticipatory bail in CRM-M-43788-2023 vide order dated 02.09.2023 and that pursuant to the order she has also joined investigation.

Notice of motion.

Mr. Adhiraj Singh Thind, AAG Punjab accepts notice on behalf of respondent-State of Punjab. Mr. Arjun Veer Sharma, Advocate has filed his vakalatnama on behalf of the complainant. A short reply has been filed by the learned counsel for the State by way of affidavit of Sukhnaaz Singh, PPS, Assistant Commissioner of Police (Central), Ludhiana.

The learned State counsel, on instructions from Mr. Pawanjit Singh, has reiterated that the injuries received by the complainant have been declared as simple in nature and out of 04 injuries received by the husband of the complainant, 03 have been declared simple and one was on the non vital part of the body i.e. middle finger of the right hand.

Learned counsel for the complainant has vehemently opposed the grant of anticipatory bail on the ground that the petitioner does not have clean antecedents. Learned counsel for the State has confirmed that there is one case under the Excise Act in which the petitioner has been released on probation.

List on 01.12.2023.

To be heard along with CRM-43788-2023.

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. Thereafter, it was brought to the notice of this Court by the learned State counsel, during the course of hearing of the petition filed by the son of the petitioner being CRM-M-50602-2023, that the petitioner herein was misusing the concession of interim anticipatory bail granted to him and was harassing the complainant. It has been further noted in the order dated 16.10.2023 passed in CRM-M-50602-2023 that the petitioner herein harassed the complainant by going before her sans his shorts and in this regard FIR No.100 dated 28.09.2023 under Sections 354-A, 509 and 294 of the Indian Penal Code, 1860 has also been registered at Police Station Division No.3, Ludhiana.

4. Learned counsel for the State today has further pointed out that the entire incident was recorded on CCTV camera.

5. Heard.

6. The petitioner, who was granted the concession of interim anticipatory bail, has clearly misused the same in the manner as stated above. Keeping in view the fact that the petitioner after being granted the concession of interim anticipatory bail has been harassing the complainant, the present petition deserves to be dismissed and the same is accordingly dismissed. Pending applications, if any, also stand disposed off.

01.12.2023
Aman Jain

(ALKA SARIN)
JUDGE

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