

GURSEWAK SINGH @ JHAMMA AND ORS. ...PETITIONERS

STATE OF PUNJAB AND ANR. ...RESPONDENTS

Present: Mr. Armaan Saggar, Advocate for the petitioners.

Ms. Ruchika Sabherwal, DAG, Punjab.

Mr. P.S.Dhaliwal, Advocate for respondent No.2.

VIVEK PURI,J. (ORAL)

1. On 13.09.2023, the following order was passed:-

“1. Present petition is under Section 438 Cr.P.C. for seeking anticipatory bail to the petitioners in case FIR No.044 dated 21.08.2023 registered under Sections 341/323/354/354-B/506/34 IPC at Police Station Tallewal, District Barnala.

2. Learned Senior counsel for the petitioners contend that as per the allegations, the residents of the village were celebrating Teej festival for a period of about 10 days prior to the occurrence on 20.08.2023. It was last date of the celebrations. The female family members of the petitioners were also participating in the festival. The complainant is the wife of the Sarpanch of the village. The son of the complainant was preparing video of the celebrations in the Teej festival. The female family members of the petitioners and other ladies present in the celebrations, asked him to refrain from making the videos of the female folk. On that score, the petitioners have been falsely implicated. Furthermore, one of the ladies present in the celebrations was preparing video from her mobile phone. The video footage has also been handed over to the Investigating Agency which does not indicate any occurrence as alleged took place.

3. Notice of motion.

4. Ms. Ruchika Sabherwal, DAG, Punjab accepts notice

CRM-M-45789-2023

-2-

on behalf of the respondent-State and seeks time to get detailed instructions and submit reply in the matter.

5. Mr. P.S.Dhaliwal, Advocate has put in appearance on behalf of the complainant/respondent No.2 and filed Vakalatnama, which is taken on record. He submits that the pen drive containing the videography of the occurrence was pertaining to the period prior to the incident. Furthermore, petitioner No.1 is arraigned as an accused in a case under NDPS Act. The Sarpanch of the village had been propagating for anti narcotic drive in the village and on that score, they had outraged the modesty of the wife of the Sarpanch and torn her clothes.

6. Adjourned to 29.11.2023.

7. Meanwhile, it is directed that in the event of arrest, the petitioners be admitted on interim bail on furnishing bail bonds to the satisfaction of the Arresting Officer subject to the condition that they join the investigation and comply with other conditions as specified under Section 438(2) Cr.P.C.”

2. Learned counsel for the petitioners contend that the petitioners have joined the investigation in pursuance of interim directions.

3. On instructions from ASI Dalwinder Singh, learned State counsel has not disputed the aforesaid factual aspects and also submits that the petitioners have joined the investigation and their custodial interrogation is not required.

4. In view of the aforesaid submissions, the order dated 13.09.2023, granting interim bail to the petitioners is made absolute.

5. The petition is allowed.

05.12.2023

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(VIVEK PURI)
JUDGE

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