

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

215

CRM-M-47685-2023 (O&M)

Date of Decision : 08.12.2023

SUKHDEV SINGH

.... Petitioner

VERSUS

STATE OF PUNJAB

.... Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Ms. Manpreet Kaur, Advocate
Mr. Hitesh Verma, Advocate for the petitioner.

Mr. Adhiraj Singh Thind, AAG Punjab.

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.181 dated 26.08.2023 under Sections 452, 354, 34, 506 of the Indian Penal Code, 1860 registered at Police Station City Rampura, District Bathinda.

2. On 21.09.2023 the following order was passed :

“Prayer in this petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.181 dated 26.8.2023, under Sections 452, 354, 34, 506 IPC, registered at Police Station City Rampura, District Bathinda.

The present FIR has been registered on the complaint given by real nephew of the petitioner. Brief facts, as recorded by the learned trial Court in its order dated

11.9.2023, read as under :

“2....Briefly, the facts and circumstances, necessary to be detailed herein, for disposal of present anticipatory bail application are that as per the version of complainant Buta Singh and further investigation proceedings thereto till date, that on 21.8.2023, he and his wife Gurpreet Kaur were talking with each other at their farm house in the fields of village Mehraj, P.S City Rampura. It was around 3.00 pm of that day. All of a sudden, Sukhdev Singh son of Nihal Singh and Pupjit Singh son of Sukhdev Singh (applicants/accused) by giving a push to their main gate, forcibly entered into their residence while armed with sticks. They assailed upon the complainant with sticks and badly beaten up the complainant and dragged him. Gurpreet Kaur wife of the complainant came forwarded to rescue his husband (complainant) from that assailants, who also assailed upon her hereby to, outrage her modesty they torn of, her clothes and also dragged her. The clamour raised by the complainant and his wife, compelled the assailants to leave the spot while threatening them with dire consequences. The complainant and his

wife did not inform to the police without any delay just for the fear of that persons. The motive behind the occurrence is of their civil dispute regarding their house. The said allegations led to registration of present FIR. Aggrieved therefrom, both the applicants/accused persons, have preferred the application under reference for anticipatory bail to them"

Learned counsel for the petitioner inter alia submits that the present FIR lodged by the complainant is counter blast to the complaint dated 22.8.2023 (Annexure P-2) filed by the petitioner. It is submitted that the complainant herein is real nephew of the petitioner and an altercation had taken place on 21.8.2023, on which date, the complainant entered the house of the petitioner with a revolver and had threatened the petitioner and his family members (wife, daughter and daughter-in-law) stating that the petitioner should be taught a lesson for filing a case against the complainant in the Court. It is submitted that the whole incident was videographed/recorded by the petitioner and his family members and the DVD alongwith the photographs of the said incident had been provided to the police and annexed with the complaint dated 22.8.2023 (Annexure

P-2). It is further submitted that the receipt in respect of the complaint submitted by the petitioner to the police as well as the investigating agency is at page 36 of the paper book. Learned counsel submits that in view of the above said facts, it is clear that the present FIR is counter blast to the complaint given by the petitioner. It is further submitted that the date of incident is 21.8.2023, however, the FIR has been filed five days thereafter i.e. on 26.8.2023 with no explanation as to the cause of delay. He further submits that the complainant had attacked the petitioner because the petitioner had instituted a civil suit for permanent injunction dated 12.7.2023 (Annexure P-3). However, learned counsel submits that petitioner is ready to join the investigation and undertakes to cooperate in the investigation.

Notice of motion for 08.12.2023.

On asking of the Court, Mr. Jaswinder Singh Arora, DAG, Punjab accepts notice on behalf of respondent-State and seeks time to file detailed status report in the matter.

In the meantime, the petitioner is directed to appear before the SHO/Investigating Officer to join investigation and in the event of his arrest, he shall be released on interim bail on his furnishing bail bonds to

the satisfaction of SHO/Investigating Agency subject to the following conditions as envisaged under Section 438(2) Cr.P.C.:-

i) that the petitioner shall make himself available for interrogation before the Investigating Officer as and when required ;

ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer ;

iii) that the petitioner shall not leave the country, without prior permission of the Court and shall surrender his passport, if any.

Meanwhile, State counsel is directed to file an affidavit/status report as to the exact role of the petitioner alongwith the details of pending FIRs, if any, on or before the next date of hearing.”

3. Learned counsel for the petitioner would contend that pursuant to the said order the petitioner has joined investigation and has fully cooperated.

4. Learned counsel for the State, on instructions from SI Sukhpal Singh, has stated that the petitioner has since joined investigation and has 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 21.09.2023 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.

08.12.2023

Aman Jain

(ALKA SARIN)

JUDGE

NOTE:

Whether speaking/non-speaking: Speaking

Whether reportable: YES/NO