

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

286

CRM-M-49349-2023

Date of Decision: 16.11.2023

GURJINDER SINGH

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. G.P.S. Ghuman, Advocate
for the petitioner.

Mr. Gurlal Singh Dhillon, AAG, Punjab.

Mr. Swarn Singh Towana, Advocate
for the complainant.

MANISHA BATRA, J.

1. The present petition has been filed by the petitioner under Section 438 of Cr.P.C seeking grant of anticipatory bail in case bearing FIR No.179 dated 29.08.2023 registered under Sections 354, 323, 506, 34 of IPC at Police Station Gobindgarh Mandi, District Fatehgarh Sahib, Punjab.

2. The aforementioned FIR had been registered against him on the basis of statement recorded by the complainant Karamjeet Kaur on 29.08.2023, alleging therein that her brother Gagandeep Singh who is settled abroad, owned one shop in the main bazaar of Mandi Gobindgarh. This shop had been let out by her father Gurbaksh Singh to her uncle Gurjinder Singh for a period of one year starting from 25.08.2022 till 26.08.2023 on payment of rent at the rate of Rs.11,200/- per month. As per the terms of rent deed, the shop was to vacated on 26.08.2023. On 24.08.2023, the family of the complainant asked the petitioner to vacate the shop but he refused to do so. Thereafter, a settlement was arrived and keys of the shop were handed over by the petitioner to her father Gurbaksh Singh. On 28.07.2023, while she

along with her parents, sister and brother-in-law was sitting in the shop at about 03:30 PM, the petitioner reached there with his son and started hurling abuses to them and told the family of the complainant to vacate the shop, as he was the owner of the same. The petitioner then caught hold of her hair, pressed his hand upon her breast, tore of her shirt and inflicted injuries to her, thereby outraging her modesty. Her family members rescued her from the clutches of the petitioner. A case under Sections 354, 323, 506 and read with Section 34 of IPC, was accordingly registered. Investigation proceedings are going on.

3. Learned counsel for the petitioner argued that he has been falsely implicated in this case. In fact in the year 2021, the father of the complainant had asked the petitioner to run his business in the disputed shop on payment of monthly premium to the tune of Rs.11,000/- to him and no rent agreement was executed on 24.08.2023. The family of the complainant had entered inside the shop and had extended threats to the petitioner while misbehaving with him and pressurizing him to vacate the same. He further submitted that on 28.08.2023, the complainant and her family members along with some other persons had opened an assault upon the petitioner and a scuffle had taken place between them. His custodial interrogation was not at all required. No purpose would be served by detaining him in custody. Hence, he argued that the petitioner deserved to be given benefit of anticipatory bail.

4. The bail application has been resisted by the State in terms of report dated 15.11.2023. Learned State counsel as well as learned counsel for the complainant argued that CCTV footage of the incident had been converted in the form of a compact disc which is annexed with the petition

and which shows that the petitioner had not only physically assaulted the

victim but had also used criminal force with intent to outrage her modesty. They argued that no extraordinary circumstance had been made out for grant of anticipatory bail to the petitioner. His custodial interrogation was required for proper investigation of the matter and therefore, it has been urged that the petition does not deserve to be allowed.

5. The compact disc containing the video recording of the incident has been seen by this Court. Though the same shows that the victim had been physically assaulted at the hands of the petitioner by pulling of her hair, but it cannot be inferred from the same that the petitioner intended to outrage her modesty. It appears to be a case of an altercation taking place between the parties. The custodial interrogation of the petitioner is not required. Neither any recovery is to be effected from him. In such circumstances, in the considered opinion of this Court, this is a fit case for exercising powers under Section 438 of Cr.P.C. Accordingly, the petition is allowed and concession of anticipatory bail is granted to the petitioner subject to the condition that he shall surrender before the Arresting Officer/Investigating Officer within a period of one week from today and shall join investigation as and when required by the Investigating Officer thereafter, and subject to his furnishing personal/surety bonds to the satisfaction of the Investigation Officer and further subject to compliance of usual formalities of Section 438 (2) of Cr.P.C.

November 16, 2023
himanshu

(MANISHA BATRA)
JUDGE

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