

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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CRM-M-52308-2023 (O&M)

Date of order: 16.10.2023

Subhash Chander

.....Petitioner(s)

Vs.

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Suresh Kumar Verma, Advocate and
Mr. Rajat Verma, Advocate
for the petitioner.

Nidhi Gupta, J.

Present is the first petition filed by the petitioner under Section 438 of Code of Criminal Procedure (hereinafter referred to as "Cr.P.C.") seeking grant of anticipatory bail in case FIR No.55 dated 10.08.2023 registered under Sections 354-A and 354-D of Indian Penal Code, 1860 (hereinafter referred to as "IPC") (Section 354 IPC added later on) at Police Station Sadiq, District Faridkot (Annexure P1).

2. It is inter alia submitted by learned counsel for the petitioner that the petitioner has been falsely enroped in the present matter. It is submitted that present FIR has been registered on the basis of complaint made by Senior Medical Officer, PHC, Jand Sahib, to whom the victim Ms. Gurpreet Kaur had allegedly submitted an application making allegations against the petitioner. Learned counsel contends that the allegations leveled against the petitioner are vague and unsubstantiated inasmuch as it is alleged that "*...Subhash Chandra MPHWH (Male) is sexually*

and mentally abusing her in the past and she is being harassed...". Learned counsel submits that there are no details or specifications as to the date or in what manner was the petitioner allegedly harassing the victim. Learned counsel further contends that even statement of the victim under Section 164 Cr.P.C. was recorded after a delay of two months. It is submitted that the petitioner would join the investigation and co-operate with the Investigating Agency.

3. Mr. Shubham Kaushik, AAG Punjab accepts notice on behalf of respondent-State and submits that he may be granted some time to go through the statement of the victim recorded under Section 164 Cr.P.C.

4. Mr. B.S. Aulakh, Advocate puts in appearance on behalf of victim-Gurpreet Kaur and files Memorandum of Appearance which is taken on record.

5. Learned counsel for the victim vehemently opposes the prayer for grant of anticipatory bail to the petitioner and submits that the complainant/Senior Medical Officer, PHC Jand Sahib is hand-in-glove with the petitioner. It is submitted that as a result of the present FIR, the victim has been transferred from Jand Sahib to Sadiq and therefore, she is facing great harassment.

6. I have heard learned counsel for the parties.

7. In view of above discussion, present petition is **allowed** and petitioner is directed to be released on anticipatory bail on his furnishing bail and surety bonds to the satisfaction of the concerned trial

Court/Duty Magistrate. However, the petitioner shall abide by following conditions:-

- i) He shall join the investigation as and when required by the Investigating Officer.
- ii) He shall not offer any threat, promise or inducement to any person acquainted with the facts of the case so as to dissuade him from disclosing the same to the Investigating Officer/Court; and
- iii) He shall not leave the limits of this country without prior permission of the Court.

8. In case at any given point of time hereinafter, it is felt by the Investigating Agency that the petitioner is required for the investigation but is not cooperating, they will be at liberty to approach this Court for passing appropriate orders.

9. However, it is made clear that nothing stated above shall be construed as an expression of opinion on the merits of the case.

10. Petition stands disposed of.

16.10.2023
Sunena

(Nidhi Gupta)
Judge

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