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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-54756-2022

Date of Decision:- 08.02.2023

HIMANSHU KUMAR

....Petitioner

Vs.

STATE OF PUNJAB

...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present: Mr. S.S. Behl, Advocate for the petitioner.

Mr. M.S.Joshi, Addl. A.G. Punjab.

AMARJOT BHATTI, J. (Oral)

The petitioner – Himanshu Kumar has filed the instant petition under Section 438 Cr.P.C. for grant of anticipatory bail in FIR No.264 dated 12.10.2022 under Sections 354, 323, 506 of IPC, registered at Police Station Division No. 6, Police Commissionerate Ludhiana, District Ludhiana.

The facts of the case are that Simranpreet Kaur – prosecutrix gave her statement to the police that she is mother of two children. Her daughter is 7 years old and her son is 5 years old. Her sister Deepika Rani got registered one FIR against the husband of prosecutrix for molesting her daughter. On 04.09.2022, at about 07:00 P.M, Deepika Rani along with her mother Sunita Rani and sister-in-law Pooja Rani came to her house and inquired about her husband Kulwinder Singh and returned back. Her husband was not present in the house. At about 08:00 P.M, her brother Manjit Singh @ Aman along his friend Himanshu Kumar Arora came. Her

brother was having wooden rod and he started shouting on her husband. Both Manjit Singh and Himanshu Kumar Arora created a scene. Her brother slapped her and started beating her. Himanshu Kumar Arora outraged her modesty. Her mother-in-law Swaran Kaur tried to save her. The matter also came up before the Panchayat but no compromise could be effected. Ultimately, the present FIR has been registered.

Learned counsel for the petitioner argued that his arrest was stayed subject to the joining of investigation. He has already joined the investigation and he is still ready to abide by the terms of bail order. The false case has been registered against him as a counter blast to the FIR which is already registered against the husband of the complainant. It is prayed that his anticipatory bail application may be allowed.

Learned counsel representing the State pointed out that the petitioner has joined the investigation and he is not required for any other purpose.

I have considered the arguments and have gone through the record carefully. The petitioner has joined the investigation. No recovery is to be effected from him. The facts of the case indicate that one FIR bearing No. 234 dated 06.09.2022, Police Station Division No. 6, Ludhiana has been registered under Section 354, 506 of IPC and Section 8 of POCSO Act on the statement of Deepika Rani and the present FIR has been registered on the statement of Simranpreet Kaur wife of Kulwinder Singh against Manjit Singh @ Aman and his friend Himanshu Kumar Arora. The family dispute is evident from the contents of both the FIRs. The petitioner is not required for further investigation. Therefore, considering these facts, the anticipatory bail application filed by the petitioner – Himanshu Kumar is allowed. In case of his arrest, he may be released on bail to the

satisfaction of Arresting/Investigating Officer concerned, subject to the conditions as enshrined under Section 438(2) Cr.P.C.

The petition is, accordingly, accepted.

08.02.2023

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(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No