

210

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-54752-2022

Date of Decision:- 06.02.2023

MANISH KUMAR

....Petitioner

Vs.

STATE OF PUNJAB

...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present: Mr. Naveen Batra, Advocate for the petitioner.
Mr. M.S.Joshi, Addl. A.G. Punjab.

AMARJOT BHATTI, J. (Oral)

The petitioner – Manish Kumar has filed the instant petition under Section 438 Cr.P.C. for grant of anticipatory bail in FIR No.86 dated 17.09.2022 under Sections 323, 354, 506 IPC, registered at Police Station Gardhiwal, District Hoshiarpur.

The facts of the case are that the prosecutrix gave her statement to the police that on 15.09.2022 at about 10:30 A.M, she had gone to the fields to get fodder. On her way back, when she reached near the Community Centre of the village, then from the sugarcane fields, Manish Kumar came out and caught hold of her from behind. She was thrown on the ground. She told Manish Kumar to stop. On this, he started beating her and gave 6-7 Datar blows from reverse side on her head. On the alarm raised by her, people started gathering there and he ran away from the spot by giving threats.

Learned counsel for the petitioner argued that he is falsely implicated in this case. There is delay in lodging the complaint to the

police. No offence under Section 354 of IPC is made out. His anticipatory bail application was wrongly declined by the Learned Additional Sessions Judge, Hoshiarpur. He has already joined the investigation and the alleged weapon of offence is also recovered. He will abide by the terms of the bail order. It is prayed that his anticipatory bail application may be allowed.

Bail application is opposed by learned counsel representing the State. Detailed status report is also filed along with copy of MLR, copy of recovery memo vide which the Datar was recovered on 30.11.2022 and the outer sketch of the Datra is also placed on record. It is argued that the allegations are serious. Therefore, he is not entitled to be released on anticipatory bail.

I have considered the arguments and have gone through the record carefully. In the case in hand, as per the MLR, the prosecutrix suffered seven injuries. However, these injuries were declared simple in nature. The petitioner has already joined the investigation and in pursuance of the same, the alleged weapon of offence has been recovered on 30.11.2022. Therefore, considering these facts, no purpose would be served by sending the petitioner behind the bars as he has already joined the investigation. Therefore, the anticipatory bail application filed by the petitioner – Manish Kumar is allowed. In case of his arrest, he may be released on bail to the satisfaction of Investigating Officer concerned, subject to the conditions as enshrined under Section 438(2) Cr.P.C.

The petition is, accordingly, accepted.

06.02.2023

lalit

(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No