

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

223

CRM-M-1234-2024 (O&M)
Date of decision: 27.02.2024

Bhagwan Singh **...Petitioner**

Versus

State of Punjab **...Respondent**

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Abdul Aziz, Advocate
for the petitioner.

Mr. Amandeep Singh Samra, AAG, Punjab.

MANISHA BATRA, J. (Oral)

- Through the instant petition, filed under Section 438 of Code of Criminal Procedure, 1973, the petitioner seeks anticipatory bail in case FIR No. 98, dated 31.07.2023, registered under Sections 452, 324, 323, 341, 354, 506 and 34 of the IPC at Police Station Amargarh, District Malerkotla.
- Brief facts of the case relevant for the purpose of disposal of the present petition are that complainant ‘B’ (*name withheld*) had earlier moved a complaint before the SSP, Sangrur against the present petitioner, who is her brother-in-law (*Devar*), making allegations that he had beaten up her. However, after conducting enquiry on the said complaint, the same was found to be false and it was filed. Thereafter, the complainant had filed a complaint before the Punjab State Human Rights Commission, Punjab, wherein on 13.06.2023, an order was passed by the Commission seeking action taken report from the Principal Secretary to Govt. of Punjab, Department of Home Affairs and Justice as well as Director General of Police, Punjab and on

Neutral Citation No. 2024:PHHC:027438

receiving the said order, the police has registered the aforementioned FIR against the petitioner and some other persons with the allegations that that she belonged to Ramdasia Caste and was from poor strata of the society. There was a dispute between her and her husband Udai Singh with the present petitioner, who was working in the Police Department. The petitioner had threatened the complainant as the petitioner and his family members belonged to opposite group of the village. As such, there was enmity between the complainant party and the petitioner and his family. She further alleged that on 22.11.2015 at about 6:30 PM, the petitioner along with accomplices had forcibly entered into her house and started abusing and threatening her and her husband. She immediately rushed into the kitchen and locked the door. However, the petitioner and his accomplices broke open the door and caught hold of complainant's hair and forcibly dragged her on the floor. The petitioner and co-accused had torn off her clothes and abused her husband. The petitioner and his elder son gave knife injuries on her neck. He also tried to molest the complainant but she was saved with the intervention of others. Co-accused Pritpal Singh gave stick blows. Thereafter, Pritpal Singh along with the petitioner and others having weapons including knife etc., also tried to set her ablaze. When complainant raised hue and cry, the accused persons fled away from the spot. After registration of the FIR, investigation proceedings have been initiated and the same are going on. The petitioner had filed an application for grant of anticipatory bail before the Additional Sessions Judge, Sangrur but the same was dismissed, vide order dated 04.09.2023 (Annexure P-7). Hence, the petitioner has filed the present petition seeking concession of anticipatory bail.

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3. Vide order dated 10.01.2024, passed by this Court, the petitioner was released on interim bail and was directed to join investigation.
4. Learned State counsel, on instructions from the Investigating Officer and in terms of the status report filed today in Court, states that the petitioner has joined the investigation and he is not required for custodial interrogation.
5. In view of the said facts, without commenting on the merits of the case, the present petition is allowed and the order dated 10.01.2024, granting interim bail to the petitioner, is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

27.02.2024

(MANISHA BATRA)

Waseem Ansari

JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No