

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

213

CRM-M-6965-2024 (O&M)
Date of Decision: 08.05.2024

SURJIT SINGH AND ANOTHERPetitioners
VERSUS
STATE OF PUNJABRespondent

CORAM : HON’BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. A.S. Manaise, Advocate for the petitioners.

Ms. Ruchika Sabherwal, Sr. DAG, Punjab

Mr. Vipin Mahajan, Advocate for the complainant.

MANISHA BATRA, J. (Oral)

The present petition has been filed under Section 438 of Cr.P.C.

seeking anticipatory bail in FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
137	30.12.2023	P.S. Sadar, Gurdaspur District Gurdaspur	323, 354 and 506 read with Section 34 of IPC

2. Vide order dated 06.03.2024 passed by this Court, the petitioner was released on interim bail and was directed to join investigation. Order dated 06.03.2024 reads as under:-

“The instant petition has been filed by the petitioners seeking pre-arrest bail in case bearing FIR No. 137 dated 30.12.2023 registered under Sections 323, 354 and 506 read with Section 34 of Indian Penal Code, 1860 at police Station Sadar, Gurdaspur.

The abovesaid FIR has been registered on the basis of statement recorded by the complainant Sandeep Kaur alleging that on 15.12.2023, the present petitioners alongwith the co-

accused had entered inside her house when she was busy in her household chores and by giving a lalkara, they had opened attack upon her. Specific allegations have been levelled against petitioner No.1 to the effect that he had caught hold of mother-in-law of the complainant from neck and had felled her down, whereas, petitioner No.2 had outraged the modesty of the complainant by pushing her from her breast and felling her down. Allegations qua the remaining assailants of assaulting them and causing injuries to them had also been levelled. It is submitted by learned counsel for the petitioners that they are neighbourers. A quarrel had taken place between them on 15.12.2023, over a passage, existing in front of their respective houses. There is delay of eleven days in lodging of the FIR. As per the medico legal report, the complainant had suffered simple injuries caused by blunt weapon only. False and frivolous allegations have been levelled against them. It is a case of version and cross-version. The petitioner No.2 was also injured in the scuffle and he was medically examined. Two injuries were found on his person. Infact, a civil suit has been filed by petitioner No.1 against the members of the complainant party, wherein stay has been granted by the Civil Court which is cause of grudge. The custodial interrogation of the petitioner is not required. They are ready to join the investigation. No offence under Section 354 of IPC is alleged have been committed by petitioner No.2. Therefore, it is argued that the petition may be allowed.

Notice of motion.

Learned State counsel who has advance notice of the petition has submitted status report. It is argued by learned State counsel that there are serious allegations against the petitioners and they do not deserve concession of bail. Co-accused Paramjit Kaur and Varinder Kaur, who were directed to join investigation have not joined it so far.

Learned counsel for the complainant has submitted that the custodial interrogation of the petitioner is required, keeping in view the nature of allegations as levelled against them.

Adjourned to 08.05.2024.

In the meantime, the petitioners are directed to appear before the Investigating/Arresting Officer to join investigation within one week or as and when required subsequently. In the event of their arrest, the Investigating/Arresting Officer shall release the petitioners on interim bail on furnishing personal/surety bonds to his/her satisfaction. The petitioner(s) shall also abide by the conditions as envisaged under Section 438(2) Cr.P.C.”

3. Learned State counsel filed status report dated 28.02.2024. The same is taken on record. He further, on instructions states that the petitioner has joined the investigation on 03.02.2024 and he is not required for custodial interrogation. No useful purpose will be served by detaining him in custody. In view of the said facts but without commenting on the merits of the case, the present petition is allowed and the order dated 06.03.2024 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.

08.05.2024
Deepak Patwal

(MANISHA BATRA)
JUDGE

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| 1. | Whether speaking/reasoned | Yes/No |
| 2. | Whether reportable | Yes/No |