

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

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CRM-M-16644-2023 (O&M)
Date of decision: 25.01.2024

Sukhdev Kumar @ Sukha Sharma ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Ms. Veerpal Kaur, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, DAG, Punjab.

MANISHA BATRA, J. (Oral)

1. Through the instant petition, filed under Section 438 of Code of Criminal Procedure, 1973, the petitioner seeks anticipatory bail in case FIR No. 33, dated 04.03.2023, under Sections 354-D, 452, 506, 323, 34 of the IPC (Section 201 of IPC added later on) at Police Station City Kotkapura, District Faridkot.
2. Brief facts of the case relevant for the purpose of disposal of the present petition are that the aforementioned FIR was registered on the statement of complainant/victim 'T' (*name withheld*), who was aged about 20 years, alleging therein that on 03.03.2023 at about 02:10 PM, when she was sitting on a cot at the door of her house, accused Sandeep Singh @ Sunny, Sukhman Singh @ Sona and Sukhha Sharma came to the house of the victim on a motorcycle. They alighted from the motorcycle and Sandeep Singh @ Sunny caught hold of her left arm and all the three accused entered into the house of the victim. When the complainant tried to save her from the clutches of Sandeep Singh @ Sunny, accused Sukha Sharma gave a *danda* blow on her

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back. When the victim raised hue and cry, her father came down from the upper floor and tried to save her but Sandeep Singh @ Sunny tried to give a blow on her head with a sharp edged object. On raising alarm, all h

The victim The applicant accompanied these accused on the motorcycle and accused Sandeep Singh @ Sunny halted the motorcycle near the prosecutrix and raised exhortation to take away the prosecutrix with them. After alighting from the motorcycle, accused Sandeep Singh @ Sunny caught the arm of prosecutrix and when she tried to rescue herself, all these accused including the applicant entered in her house. During such period, the applicant gave a blow of Danda in the back of the prosecutrix. The alarm raised by the prosecutrix attracted her father to the spot, who tried to rescue the prosecutrix from the clutches of the accused. The accused Sandeep Singh @ Sunny gave a blow by sharp edged article on the left arm of the prosecutrix. When her father raised alarm, all the accused fled away from the spot while issuing threats of dire consequences. The prosecutrix was brought to Civil Hospital, Kotkapura for treatment. The prosecutrix narrated the motive that accused Sandeep Singh @ Sunny was teasing her since long to pressurize her for marriage. But the prosecutrix did not give consent to the demand of the accused. Based upon these allegations, the police booked the accused and while apprehending arrest, the applicant has now approached this court for extending the benefit of anticipatory bail to him.

she was married to Kundan Singh in the year 2017. Due to a matrimonial dispute, she was residing in her parental house along with her two daughters. On 14.05.2022 at about 08:00 P.M., when she was present in her house along with her daughters, the petitioner applicants along with other assailants entered into her house and attacked upon her. The clothes of the complainant were torn. She raised hue and cry, on which, her neighbour Jaskaran reached there and he rescued complainant from the hands of the petitioner and other

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accused. While leaving the spot, the petitioner along with other assailants started throwing brick bats and the brick bats hit on the person of Roji wife of Hari Singh. Her aunt Shinod and brother Balraj Singh also went to save her but the accused persons also inflicted injuries on his head. Thereafter, father of the complainant got all of them admitted to Civil Hospital, Rupnagar for treatment. The complainant further alleged that the reason behind the incident was that her husband Kundan Singh had joined Vijay Kumar's party. The complainant prayed for taking penal action against the culprits. After registration of the FIR, investigation proceedings have been initiated. The petitioner had filed an application for grant of anticipatory bail before the Sessions Judge, Rupnagar but the same was dismissed, vide order dated 31.05.2022 (Annexure P-2).

2. Vide order dated 23.10.2023, passed by this Court, the petitioner was released on interim bail and was directed to join investigation.

3. Learned State counsel, on instructions from ASI Harman Das, states that the petitioner has joined the investigation and he is not required for custodial interrogation.

4. In view of the said facts, without commenting on the merits of the case, the present petition is allowed and the order dated 23.10.2023, 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.

25.01.2024

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No

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