



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-17254-2024

Date of Decision: 06.05.2024

Ram Sunder Paswan alias Ramu and another .... Petitioners

Versus

State of Punjab .... Respondent

**CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present: - Mr. Saqib Ali Khan, Advocate for the petitioners.

Ms. Aakansha Gupta, A.A.G., Punjab.

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**NIDHI GUPTA, J. (ORAL)**

The petitioners have filed the present 1<sup>st</sup> petition under Section 438 Cr.P.C. seeking anticipatory bail in case FIR No. 127 dated 20.08.2023 registered under Sections 354, 325, 323, 34 IPC, 1860 at Police Station Dhaka, District Ludhiana Rural (Annexure P-1).

On 08.04.2024, when this case was listed for hearing, following order was passed by this Court:-

*“Prayer in this petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioners in case FIR No.127 dated 20.8.2023 (Annexure P-1), under Sections 354, 325, 323, 34 IPC, registered at Police Station Dakha, District Ludhiana.*

*Learned counsel for the petitioners inter alia submits that the present FIR is counter blast to the FIR filed by the petitioners against the brother of the present complainant, who had taken away the daughter of petitioner No.2 and grand-daughter of petitioner No.1. It is submitted that the petitioners had accordingly filed an FIR bearing No.103 dated 07.7.2023,*



*under Section 376 IPC and Section 6 of POCSO, registered at Police Station Dakha.*

*Learned counsel submits that as per the present FIR, the date of alleged incident is 09.7.2023. However, the FIR in question has been filed 41 days later, i.e., on 20.8.2023. No explanation is forthcoming regarding the reason of alleged delay. It is further submitted that the allegations mentioned in the FIR are false and fabricated.*

*Notice of motion.*

*On asking of the Court, Mr. Kunwarbir Singh, AAG, Punjab accepts notice on behalf of State and seeks time to file reply in the matter.*

*However, learned State counsel points out that there is a delay of 41 days in lodging the FIR because the complainant was getting her medical examination conducted. However, the said plea is not convincing because alleged date of incident is 09.07.2023 and it cannot take 41 days to conduct the medical examination of the complainant.*

*Adjourned to 06.5.2024.*

*In the meantime, the petitioners are directed to appear before the SHO/Investigating Officer to join investigation and in the event of their arrest, they shall be released on interim bail on their furnishing bail bonds to the satisfaction of SHO/Investigating Agency subject to the following conditions as envisaged under Section 438(2) Cr.P.C.:-*

- i) that the petitioners shall make themselves available for interrogation before the Investigating Officer as and when required ;*
- ii) that the petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;*
- iii) that the petitioners shall not leave the country, without prior permission of the Court and shall surrender their passport, if*



*any.*

*Meanwhile, State counsel is directed to file fresh affidavit/status report as to the exact role of the petitioner along with the details of pending FIRs, if any, on or before the next date of hearing.”*

Learned counsel for the petitioners submits that in compliance of the order dated 08.04.2024 passed by this Court, the petitioners have joined the investigation.

Status report dated 06.05.2024 filed by way of affidavit of Mr. Jatinder Pal Singh, PPS, DSP, Dakha, District Ludhiana (Rural), on behalf of respondent-State is taken on record. A copy thereof, has been supplied to learned counsel for the petitioners in Court today.

On instructions from ASI Paramjeet Singh, learned State counsel submits that in terms of the order passed by this Court, reproduced above, the petitioners have joined the investigation on 13.04.2024; and is co-operating with the investigating agency, and no further interrogation is required, at this stage.

In view of the above, the order dated 08.04.2024 granting interim bail to the petitioner is made absolute.

However, the petitioners will abide by the conditions stipulated under Section 438(2) Cr.P.C. They will also join the investigation and cooperate with the investigating agency in case they are required for the same in future as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the investigating agency that the petitioners are required for the investigation but are not cooperating, they will be at liberty to approach this Court for passing appropriate orders.

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The petition stands disposed of.

**06.05.2024**

Divyanshi

( NIDHI GUPTA )  
JUDGE

### Whether speaking/reasoned

**Yes/No**

## Whether Reportable

**Yes/No**