

CRM-M-23071-2024 (O&M) -1-

2024:PHHC:147064



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-23071-2024 (O&M)

Date of Decision: 12.11.2024

Sukhpreet Singh alias Sunny

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Farid Singh Virk, Advocate for the petitioner.

Ms. Guramrit Kaur, DAG, Punjab.

NIDHI GUPTA, J. (ORAL)

Prayer in this petition, filed under Section 438 Cr.P.C., is for grant of anticipatory bail to the petitioner in case FIR No.64 dated 30.03.2024, under Sections 354, 294, 506 IPC, registered at Police Station Sadar Khanna, District Khanna.

On 01.07.2024, 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 petitioner in case FIR No.64 dated 30.03.2024, under Sections 354, 294, 506 IPC, registered at Police Station Sadar Khanna, District Khanna.

Learned counsel for the petitioner inter alia submits that the allegations made against the petitioner in the present FIR are utterly false and fabricated. It is stated that the petitioner has agricultural land adjoining the land of the



complainant/victim. It is stated that the complainant was cutting the fodder from the land of the petitioner, as a result of which, the dispute arose between the parties, leading to filing of the present false FIR against the petitioner. Learned counsel submits that already a preliminary investigation has been conducted into the matter, upon which, the allegations made by the complainant that the petitioner abused her by calling 'chamari', have been found to be false. In this regard, learned counsel refers to Rapat No.25 dated 19.03.2024 under Section 107-151 Cr.P.C., registered at Chownki Kot, Police Station Sadar Khanna (Annexure P-2), wherein, after investigation, it has been recorded that ".....After examining/investigation of the application, no solid evidence has come to the page about the disrespect words.....". Learned counsel further submits that even otherwise there is delay of one month and twelve days in registration of the FIR as the alleged incident is of 18.02.2024, whereas the present FIR has been registered on 30.03.2024.

Notice of motion.

On asking of the Court, Mr. Kunwarbir Singh, AAG, Punjab accepts notice on behalf of respondent-State and filed the short reply dated 01.07.2024 by way of affidavit of Harjinder Singh Gill, PPS, Deputy Superintendent of Police, Police District Khanna, District Ludhiana, which is taken on record and copy supplied to the counsel opposite. Learned State counsel opposes the prayer made on behalf of petitioner and submits that there is no merits in the submissions of the petitioner that there is delay in registration of the FIR as the complaint was registered on 21.02.2024 i.e. three days after the incident. It is, however, admitted that the allegations of the complainant that the



petitioner abused her by calling caste related derogatory words, were found to be false.

Learned counsel for the petitioner prays for grant of interim relief to the petitioner and undertakes that the petitioner will join the investigation and co-operate with the Investigating Agency.

Adjourned to 03.10.2024.

In the meantime, the petitioner is directed to appear before the SHO/Investigating Officer to join investigation and in the event of his arrest, he shall be released on interim bail on his 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 petitioner shall make himself available for interrogation before the Investigating Officer as and when required;*
- ii. that the petitioner 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 petitioner shall not leave the country, without prior permission of the Court and shall surrender his passport, if any.*

Meanwhile, State counsel is directed to file an affidavit as to the exact role of the petitioner alongwith the details of pending FIRs, if any, on or before the next date of hearing.”

Learned counsel for the petitioner submits that in compliance of the order dated 01.07.2024 passed by this Court, the petitioner has joined investigation on 03.07.2024.



Learned counsel for the State, on instructions from ASI Pargat Singh, submits that the petitioner has joined investigation on 03.07.2024 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 01.07.2024 granting interim bail to the petitioner is made absolute.

However, the petitioner will abide by the conditions stipulated under Section 438(2) Cr.P.C. He will also join the investigation and cooperate with the investigating agency in case he is 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 petitioner is required for the investigation but is not cooperating, it will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

Pending application, if any, stands disposed of.

12.11.2024

Divyanshi

**(NIDHI GUPTA)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No