



Sr. No.202

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-29772-2022
Date of decision: 12th September 2024

HARPREET SINGHPetitioner

versus

STATE OF PUNJABRespondent

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Parminder Singh Sekhon, Advocate and
Mr. Rajdeep Singh Gill, Advocate
for the petitioner.

Ms. Himani Arora, AAG, Punjab,
assisted by ASI Jasvir Singh.

Mr. Tarunveer Vashist, Advocate
for the complainant.

HARPREET KAUR JEEWAN, J. (ORAL)

1. The instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973, for grant of anticipatory bail to the petitioner in case FIR No.98 dated 27.06.2022, under Sections 452, 354, 354-A, 354-D IPC, 1860, registered at Police Station Sadar Bathinda, District Bathinda (Annexure P-1).
2. The FIR was registered at the instance of the prosecutrix with the allegations that she is married and having 02 children. The house of the petitioner- Harpreet Singh is situated at a higher point from the house of the prosecutrix and he keeps on watching her from his house and also keeps doing explicit sexual overtures. On 27.06.2022, at about 5:15 AM, when the prosecutrix came out of the rest room, she found that the petitioner was standing outside and he tried to outrage her modesty by holding her arm.



3. The arrest of the petitioner was stayed vide order dated 27.09.2022. Thereafter, while recording the following contentions, the petitioner was directed to join the investigation, vide order dated 25.05.2023:-

“Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the case by the complainant. They are neighbours and there was some dispute about the construction of their houses. The petitioner raised the level of his house that resulted in water logging in the complainant's house. Only to pressurize him, the instant FIR has been lodged; allegations therein do not prima facie constitute the offences alleged. Regarding the earlier complaint against him, learned counsel has referred to the complainant/Harjinder Singh's affidavit dated 20.07.2022 (Annexure A-1) stating that the complaint stands compromised with the intervention of the Panchayat members and respectables, and that he has no grudge against the petitioner.

In view thereof, it is deemed appropriate to grant interim protection to the petitioner.

Adjourned to 11.10.2023.

In the meanwhile, the petitioner shall join the investigation as and when called upon to do so by the Investigating Officer, and in the event of arrest, he shall be released on interim bail to the satisfaction of Arresting Officer. The petitioner shall also abide by the conditions of Section 438 (2) Cr. P.C.”

4. Learned counsel for the petitioner contends that the petitioner has joined the investigation in compliance of the aforesaid order dated 25.05.2023.

5. Learned State counsel, on instructions from ASI Jasvir Singh, confirms that the petitioner has joined investigation and also contends that his further custodial interrogation is not required. The fact that the petitioner has joined investigation has also been recorded in the order dated 16.02.2024. It has been



further informed that investigation is complete. Final report/challan under Section 173 Cr.P.C. has been presented before the trial Court on 24.01.2024.

6. Learned counsel for the complainant submits that the complainant is being threatened openly after obtaining the interim order. Vide order dated 18.07.2024, following contentions of the complainant were recorded:-

“The complainant-first informant has submitted an affidavit, the same is taken on record.

Learned counsel for the complainant contends that after the grant of interim relief in the present petition, the first informant-deponent came across a video which was being circulated in the village where the petitioner came live on social media (Facebook Live) and openly threatened the deponent and her family members referring them as enemies and further resorted threats to kill her and her family members. Learned counsel for the complainant further contends that the said video is contained in the pendrive (Annexure R-2/1). Copy of the affidavit be supplied to the learned State counsel during the course of the day.

xxx xxx xxx xxx”

7. Learned State counsel has filed an affidavit of Sh. Narinder Singh, PPS, Superintendent of Police, City, District Bathinda, on behalf of respondent-State of Punjab, which is taken on record.

8. While referring to the said affidavit, learned State counsel submits that in compliance of the order dated 18.07.2024, the facts have been verified. The mobile phone of the petitioner was thoroughly verified including his Facebook ID, wherein, nowhere such kind of video was found. During the course of inquiry, the URL of the alleged video of the petitioner/accused was demanded from the complainant, but she could not produce the same to the Inquiry Officer. DSP Rural, Bathinda had also gone through the questioned video of the petitioner. However,



nothing has surfaced against the petitioner showing that he was threatening the complainant or her family members by using the social media platform.

9. Investigation is complete. Final report/challan under Section 173 Cr.P.C. has been presented before the trial Court on 24.01.2024. The petitioner has joined the investigation. The allegations and counter-allegations between the parties are matter of trial.

10. In view of the reasons recorded in the order dated 25.05.2023 and keeping in view the fact that the petitioner has joined investigation and his further custodial interrogation is not required by the Investigating Agency, the present petition is allowed and the order dated 25.05.2023, granting interim bail to the petitioner is made absolute, subject to the conditions laid down under Section 438(2) Cr.P.C.

11. It is made clear that nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

12. However, liberty is reserved in favour of the State/complainant to move for cancellation/recalling of the order in case the petitioner violates any condition stipulated under Section 438 (2) Cr.P.C., or upon showing any other sufficient cause.

13. Pending miscellaneous applications, if any, shall stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

12th September 2024
simran

Whether speaking/reasoned	:	Yes/No
Whether reportable	e:	Yes/No