

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

207

CRM-M-30324-2024

Date of Decision: 22.07.2024

Malkit Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Harish Bhatti, Advocate for the petitioner.

Ms. Aakanksha Gupta, AAG, Punjab.

NIDHI GUPTA, J. (ORAL)

The petitioner has filed the present 1st petition under Section 438 Cr.P.C. seeking anticipatory bail in FIR No. 105 dated 17.05.2024 registered under Sections 323, 342, 506, 354, 149 and 120-B IPC at Police Station Samrala, District Khanna, Punjab.

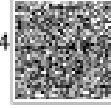
On 21.06.2024, when this case was listed for hearing, following order was passed by a co-ordinate Bench of this Court:-

“The petitioner is 67 years old.

As per the FIR, the genesis of dispute lies in a road rage. At around 06:00 p.m., the first informant as well as the petitioner were called upon at the residence of the Sarpanch of the village. It is alleged that the petitioner along with his son and grand-son came for the said meeting and there was a scuffle, wherein, the petitioner is alleged to have caused injuries with his nails on the private part of the first informant's wife.

Though, the learned counsel representing the petitioner has made a request for joining the Court through video conferencing, however, due to poor network connectivity, he is unable to join the proceedings.

The entire incident is stated to have happened in the presence of Sarpanch and other respectables of the village.



It is the case of the petitioner that there is a CCTV footage of the entire incident, which happened at the Sarpanch's house.

Notice of motion.

Mr. Kanav Singla, Assistant Advocate General, Punjab, accepts notice on behalf of the State.

On instructions from ASI Harjinder Singh, the learned counsel representing the State of Punjab submits that the CCTV footage is yet to be recovered.

Adjourned to 22.07.2024.

In the meantime, in the event of arrest, the petitioner shall be released on the interim bail subject to furnishing personal bonds and surety to the satisfaction of the Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C."

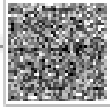
Learned counsel for the petitioner submits that in compliance of the order dated 21.06.2024 the petitioner has joined the investigation.

Status report dated 20.07.2024 filed by way of affidavit of Sh. Tarlochan Singh, Deputy Superintendent of Police, Samrala, Police District Khanna, District Khanna, on behalf of respondent-State is taken on record.

A copy thereof, has been supplied to learned counsel for the petitioner.

On instructions from ASI Harjinder Singh, learned counsel for the State submits that although, the petitioner has joined the investigation, but he is not co-operating, inasmuch as, he has not supplied the pen drive of the footage with regard to the occurrence and refers to para 6 of the status report, which is reproduced as under:-

"6- That as per the statement of the complainant there is prima facie evidence against the petitioner that he assaulted the complainant and outraged the modesty of his wife. It is further relevant to mention that the incident has been recorded in CCTV cameras installed at the house of



Paramveer Singh Sarpanch and the petitioner is in possession of the said CCTV footage. However, the petitioner is not co-operating in the investigation to produce said CCTV footage which is substantial evidence in the present case.”

Learned counsel for the petitioner points out that the incident is alleged to have occurred outside the house of the Paramveer Singh, Sarpanch, therefore, the same has been captured by the CCTV cameras if, at all installed outside the house of said Sarpanch, therefore, the petitioner is not in possession of the same.

In view of the above, the order dated 21.06.2024 is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join the investigation and co-operate 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, they will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

Pending application(s), if any, shall also stand disposed of.

22.07.2024
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(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No