



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

228

**CRM-M No.34757 of 2024
Date of decision : 13.8.2024**

Kamaljeet Singh**.....Petitioner****Versus****State of Punjab****.....Respondent****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. J.S. Sekhon, Advocate, for the petitioner
Mr. Anup Singh, AAG, Punjab
Mr. Saurav Bhatia, Advocate, for the complainant

SUMEET GOEL, J. (ORAL)

The instant petition has been filed on 16.7.2024 under Section 439 Cr.P.C. for grant of regular bail.

As per the judgment rendered by this Court titled as '*Abhishek Jain v. State of U.T. Chandigarh and another*' (CRM-M No.31808 of 2024, 2024:PHHC:085784), the instant petition is not maintainable under Section 439 Cr.P.C., 1973. However, keeping in view the entirety of facts and circumstances of the case especially that the instant petition pertains to regular bail, the instant petition is directed to be considered as a petition under Section 483 of BNSS, 2023.

1. Present petition has been filed by the petitioner for grant of regular bail in case FIR No.50 dated 18.6.2024, under Sections 323, 341, 506, 354, 354-B, 509 and 120-B IPC, registered at Police Station Banur, District Patiala.



2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

At this time, it is submitted that one complaint No.149/FR dated 13.05.2024 from Devinder Kaur wife of Kamaljit Singh, resident of village Devinagar Abrawa, Tehsil and District SAS Nagar now resident of village Ramnagar Saini PS Shambhu District Patiala against Kamaljit Singh son of Gian Singh, resident of village Devinagar (Abrava), Tehsil and District SAS Nagar, sister-in-law Rajwinder Kaur wife of Mandeep Singh, Nandoi Mandeep Singh son of Kripal Singh residents of village Jodhpur PS Naggal Tehsil and District Ambala (Haryana), sister-in-law Daljit Kaur wife of Harbhag Singh and Prem Singh @ Kashmir Singh son of Chanan Singh, residents of village Aurangabad, Tehsil and District Yamuna Nagar (Haryana) has been received at police station from the office of the SSP, Patiala through post, contents of which are as follows: "To, The D.I.G., Chandigarh Punjab. Subject: Complaint against (1) Kamaljit Singh son of Gian Singh, resident of village Devinagar, Abrawa, Tehsil Rajpura, District Patiala, (2) Rajwinder Kaur wife of Mandeep Singh daughter of Gian Singh, resident of village Jodhpur Chalheri, Tehsil Samalabad, District Ambala (Haryana), (3) Daljit Kaur wife of Harpal Singh daughter of Gian Singh, resident of village Chalheri, Tehsil Samalabad, District Ambala (Haryana), (3) Daljit Kaur wife of Harpal Singh daughter of Gian Singh, resident of village Aurangabad, Tehsil and District Yamuna Nagar (Haryana).(4) Prem Singh son of Chanan Singh, resident of Aurangabad, District Yamunanagar (Haryana), (5) Mandeep Singh husband of Rajwinder Kaur resident of Jodhpur Chalheri who have committed cheating with complainant by conspiring with each other and extending threats to complainant and trying to possess the land of complainant illegally and giving beatings and for doing bad and objectionable activities with complainant and her minor daughter by accused No.4 Prem Singh and accused No.5 Mandeep Singh. Sir, It is submitted that I, Davinder Kaur wife of Kamaljit Singh, resident of Devinagar-Abrawa, Tehsil and District SAS Nagar (Mohali). That the cultivable land was given to complainant by her husband through registered sale deed Wasika No.4688 dated 11.02.2022, copy of which is enclosed and since 11.02.2022, complainant is owner of above said land. Here it is also mentioned that Kamaljit Singh had given the above said land in favour of the complainant for upbringing and studies and other expenses of children



because Kamaljit Singh had performed second marriage without giving divorce to complainant and due to which a criminal case has also been registered against him. Accused Kamaljit Singh has executed the above said land on 02.02.2022 in favour of complainant under mutual compromise. Copy of mutual compromise is enclosed. After execution of above said land in favour of complainant, a sin came into the mind of above said accused and above said accused tried to apply different methods for grabbing the above said land. Earlier one complaint was given by complainant to the office of SSP, Patiala in which it was written that above said accused are trying to possess the land. Here it is also mentioned that above said complaint was marked to DSP Circle Rajpura where statement of complainant was not recorded. Rather officials of DSP office had taken signatures of complainant on some blank papers and after sometime, ex-parte proceedings have been conducted on the complaint of complainant and complainant has been declared as absent whereas complainant kept on attending there continuously. The officials of DSP Circle Rajpura are conspiring with accused persons. It is falsely written in above said complaint that possession of land is with Kamaljit Kaur whereas it is clarified in sale deed dated 11.02.2022 that possession of above said land is with complainant. But still above said accused persons have got the complaint of complainant closed in illegal manner and it was got written falsely in the report that possession is with Kamaljit Singh. After 30.11.2023, above said accused are continuously coming on the land and are harassing the complainant and her minor daughters. That above said had tried to take possession of land many times but they were not successful. But now on 05.03.2024, above said accused by conspiring with each other came to take possession of above said land and Rajwinder Kaur and Daljit Kaur had started physically manhandling with complainant and her minor daughter who was with complainant at that time and Rajwinder Kaur threw the complainant on the ground after grabbing from her hairs and Daljit Kaur started giving kick and fist blows to complainant. When minor daughter of complainant tried to stop Rajwinder Kaur and Daljit Kaur and they also gave beatings to minor daughter of complainant and thereafter, other accused persons had also given beatings to complainant and her minor daughter and after some time, above said accused persons went away from the spot. Accused Kamaljit Singh also gave beatings to complainant. Due to excessive altercation, above said accused went away from the spot after extending threats to the above said accused. On the next day i.e. 06.03.2024, accused



No.4 & 5 again came on the land and started extending threats to complainant and her minor daughter and telling that they vacate the possession of above said land otherwise complainant would face its consequences. When complainant told that she is owner of above said land and accused cannot take possession from her forcibly. Then meanwhile accused No.4 & 5 started using unparliamentary language against complainant and her daughter. Above said accused said that he will get the complainant and her daughter roam in the village nudely and when complainant replied that stop using such language because accused have their own mothers and sisters. In the meantime, accused No.4 came in anger and he tore off the shirt of complainant forcibly and due to which private parts of complainant were clearly visible and thereafter, accused No.5 Mandeep Singh put hands in the clothes of minor daughter and trying to do indecent act with her and Prem Singh also tried to do indecent act with minor girl. When complainant started raising loud alarms in the fields that above said persons are trying to do indecent act with minor girl then above said persons fled away from the spot. Complainant immediately reached at local police station and requested to register case against above said accused persons then complainant was scared by the local police and turned her back, if she again came to police station then rather case will be registered against complainant and her minor daughter. Complainant is running here and there for justice and complainant is feeling scared by remembering the incident with above said accused persons and complainant is afraid that above said accused persons can make the such incident happened again because they have the back of local police. That above said accused has committed offence u/s 323, 324, 506, 354, 354-B and POCSO Act and case is required to be registered against them.

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 21.6.2024. Learned counsel for the petitioner has further submitted that the offence qua the petitioner is primarily under Sections 323, 341, 506, 509 of IPC and he is involved in the FIR in question also on the basis of Section 120-B read with Sections 354-B and 509 IPC. Learned counsel for the petitioner has argued that the genesis of



the FIR in question is a persisting matrimonial dispute between the petitioner and the complainant. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 12.8.2024 in Court, which is taken on record.

5. Learned counsel for the complainant has vociferously opposes the grant of bail by arguing that the allegations made are serious in nature and hence, ought not to be extended the concession of bail. He has further argued that although petitioner is the husband, he is continuously harassing and humiliating the complainant and the minor daughter as well.

6. I have heard counsel for the parties and have gone through the available records of the case.

7. The petitioner is in custody since 21.6.2024. The rival contention of learned counsel for the parties; as to whether the genesis of the FIR is actually the matrimonial discord between the petitioner and the complainant as also a property/civil dispute between them; shall be gone into (during the course of trial/investigation). As per custody certificate dated 12.8.2024, the petitioner is in custody for one month and 19 days. Though it is submitted, very fairly, by learned counsel for the petitioner that the petitioner is involved in another FIR No.98 dated 11.11.2022 under Sections 406, 498-A/494 IPC, registered at Police Station Women Cell, Patiala, but the said FIR has also been registered against the



petitioner at the instance of the complainant in the instant FIR.

Keeping in view the entirety of the facts and circumstance of the case, this Court does not deem it appropriate to want further detention of the petitioner.

8. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cell-phone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaqa Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

9. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

CRM-M No.34757 of 2024

10. Ordered accordingly.
11. Nothing said hereinabove shall be construed as an expression of
opinion on the merits of the case.
12. Pending miscellaneous application(s), if any, stand disposed of
accordingly.

13.8.2024

Ashwani

Whether speaking/reasoned:

Whether reportable:

Yes/No

Yes/No

(SUMEET GOEL)
JUDGE