

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

206

Criminal Misc. No. M-43386 of 2023 (O & M)

Date of decision :-27.02.2024

Gurdial Singh Chauhan alias Sonu alias Gurdayal Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM:- HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Suvir Kumar, Advocate
for the petitioner.

Mr. Kunwarbir Singh, AAG, Punjab.

NIDHI GUPTA J. (Oral)

The petitioner is seeking anticipatory bail in FIR No.0053 dated 16.03.2023 (Annexure P-1), under Sections 354-B, 323, 341, 509 and 149 IPC, registered at Police Station Tibba, Ludhiana.

On 11.9.2023, co-ordinate Bench of this Court had passed the following order :-

“1. The petitioner is seeking anticipatory bail in case bearing FIR No.0053 dated 16.03.2023 under Sections 354-B/323/341/509/149 IPC registered at Police Station Tibba, Ludhiana.

2. Short reply by way of affidavit of Gurdev Singh, Assistant Commissioner of Police, Ludhiana on behalf of the respondent-State has been placed on record.

3. Learned counsel for the petitioner contends that there was a dispute between the complainant and one Nasib Kaur with regard to some sale transaction of

immovable property. The petitioner is working as a property dealer and has been falsely implicated on account of dispute between the complainant and Nasib Kaur. Nasib Kaur had lodged an FIR bearing No.235 dated 08.11.2021 under Section 379-B IPC, registered at Police Station Tibba, District Police Commissionerate Ludhiana against the husband of the complainant. The CCTV footage only indicates with regard to the physical altercation between the complainant on one side and the petitioner alongwith his wife on the other side. There is lack of material to indicate that the assault was with an intention to disrobe the complainant.

4. *Adjourned to 05.12.2023.*

5. *In the meanwhile, the petitioner is directed to join investigation and in the event of his arrest, he shall be released on interim bail to the satisfaction of the Investigating Officer/Arresting Officer subject to the conditions as envisaged under Section 438 (2) of Code of Criminal Procedure.”*

Learned State counsel, on instructions from SI Sukhwinder Singh states that in terms of the order passed by this Court, reproduced above, the petitioner has joined the investigation on 19.10.2023, is cooperating and no further interrogation is required at this stage.

In view of the above, the order dated 11.9.2023 granting interim bail to the petitioner 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 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, they will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

February 27, 2024
Vijay Asija

(NIDHI GUPTA)
JUDGE

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