

2024:PHHC:007462
**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

204

CRM-M-51078-2023
Date of Decision: 19.01.2024

**PRITPAL SINGH ALIAS MAKHAN AND ANOTHER
...Petitioners**

Versus

STATE OF PUNJAB

...Respondent

CORAM:- HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present:- Mr. Vikas Sharma, Advocate for
Mr. Gaurav Datta, Advocate
for the petitioners.

Mr. Jaspal Singh Guru, AAG, Punjab.

Ms. Deepa Negi, Advocate for
Mr. S.S. Swaich, Advocate
for the complainant.

HARPREET KAUR JEEWAN, J. (ORAL)

1. The instant petition has been filed under Section 438 Cr.P.C for grant of anticipatory bail to the petitioners in case FIR No.125 dated 24.08.2023 registered under Sections 323, 354, 341, 506, 148, 149 IPC registered at Police Station Amloh, District Fatehgarh Sahib.
2. Learned counsel for the petitioners *inter alia* contends that the FIR was registered at the instance of the complainant with the allegations that the petitioners have outraged the modesty of the complainant and also assaulted her.
3. On 30.10.2023, the Coordinate Bench of this Court passed the following order:-

“Learned counsel for the petitioners would contend that this is a case of version and cross version and that the petitioners have been involved in a totally false case at the hands of a local MLA and the local Police. It is further the contention of learned counsel that the incident is alleged to have taken place at 11:30 AM on 23.08.2023 and at 02:00 PM on 23.08.2023, petitioner No.1 was admitted in the hospital and his MLR has been appended with the present petition as Annexure P-3. Subsequently, the complainant had gone to the hospital at about 04:00 PM on 23.08.2023.

Learned counsel for the petitioners would further contend that the injuries received are all simple in nature and that totally false allegations have been made qua molestation.
Notice of motion.

On the asking of the Court, Mr. M.S. Tiwana, AAG Punjab accepts notice on behalf of the State and has filed a status report by way of affidavit of Harpinder Kaur, PPS, Deputy Superintendent of Police, Sub Division Amloh, District Fatehgarh Sahib. Mr. S.S. Sandhu, Advocate has put in appearance on behalf of the complainant.
List on 19.01.2024.

Meanwhile, the petitioners are directed to join investigation as and when called for. In the event of arrest, the petitioners shall be admitted to interim bail on furnishing adequate surety and personal bonds to the satisfaction of the Arresting Officer. The petitioners shall also abide by all the terms and conditions as specified in Section 438(2) of the Code of Criminal Procedure, 1973.”

4. Learned counsel for the petitioners further contends that the petitioners had joined the investigation in compliance of the order dated 30.10.2023 passed by the Coordinate Bench of this Court.
5. Learned counsel appearing on behalf of the respondent-State on instructions from ASI Amrik Singh confirms that the petitioners have joined investigation and also contends that their custodial interrogation is not required.
6. The counsel appearing on behalf of the complainant does not raise any objections in case the present petition is allowed.
7. In view of the reasons recorded in the order dated 30.10.2023 and keeping in view the fact that the petitioners have joined investigation, their custodial interrogation is not required by the Investigating Agency, the present petition is allowed and the order dated 30.10.2023 granting interim bail to the petitioners is made absolute, subject to the conditions laid down in Section 438(2) Cr.P.C.

(HARPREET KAUR JEEWAN)
JUDGE

19.01.2024
P.Bhatt

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No