

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-64901-2023 (O&M)
Date of Decision: 21.03.2024

ARSHDEEP SINGH

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

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

Present:- Mr. G.S. Randhawa, Advocate
for the petitioner.

Mr. Ramandeep Singh, Sr. DAG, Punjab.

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 petitioner in cross case bearing DDR No.13 dated 07.09.2023 registered under Sections 323, 324, 148, 149 IPC (Section 326 IPC added later on) at Police Station Sekhwan, Police District Batala, District Gurdaspur in case FIR No.82 dated 06.09.2023 registered under Sections 341, 354-B, 506 IPC at Police Station Sekhwan, Police District Batala, District Gurdaspur.

2. On 22.12.2023, this Court passed the following order:-

“The present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case bearing DDR No. 13 dated, 07.09.2023, registered at Police Station Sekhwan, Police District Batralla, District Gurdaspur, under Sections 323, 324, 148 and 149 IPC (Sections 326 IPC added later on) in FIR No. 82, dated 06.09.2023, registered at the same police station under Sections 341, 354-B and 506 of the IPC.

Inter alia contends that the petitioner is 19 years old. The DDR

No. 13 has been registered as a counter-blast to the FIR No. 82 which was registered at the instance of the sister of the petitioner. It has been alleged in the FIR that the accused (complainant party in the present DDR) stopped her. She was disrobed her by tearing her shirt and her modesty was outraged.

It is further contended that the injury falling under Section 326 IPC is not attributed to the petitioner. As per the contention of the complainant, the occurrence took place on 10.08.2023 whereas there is delay of 27 days in lodging the cross-version in the said DDR.

Notice of motion.

Having received advanced copy of the petition, Mr. Sarabjit Singh Cheema, D.A.G., Punjab, accepts notice on behalf of the respondent- State and prays for time to file status report.

Adjourned to 06.02.2024.

In the meanwhile, the petitioner is directed to join investigation within one week and in the event of arrest, he shall be released on interim bail, on his furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Ilaqa Magistrate, subject to the following conditions:-

(i) the petitioner shall make himself available for interrogation by a police officer as and when required.

(ii) That the petitioner shall not, directly or indirectly, make any inducement,

threat or promise to any person acquainted with the facts of the case so as to

dissuade him from disclosing such facts to the Court or to any police officer.

(iii) That the petitioner shall not leave India without the prior permission of the Trial Court/CJM concerned.”

3. Learned counsel for the petitioner submits that the petitioner had joined the investigation in compliance of the order dated 22.12.2023 passed by this Court. The present DDR No.13 has been registered as a counter-blast to the FIR No.82, which was registered at the instance of the sister of the petitioner.

4. Learned counsel appearing on behalf of the respondent-State on instructions from concerned Investigating Officer confirms that the petitioner has joined the investigation.

5. Keeping in view the reasons recorded in the order dated 22.12.2023 and keeping in view the fact that the petitioner has joined investigation; his custodial interrogation is not required by the Investigating Agency, the present petition is allowed and the order dated 22.12.2023 granting interim bail to the petitioner is made absolute, subject to the conditions laid

down under Section 438(2) Cr.P.C.

6. Nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

7. All pending miscellaneous application(s), if any, stands disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

21.03.2024
P.Bhatt

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