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CRM-M-51541-2022

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210(2 cases)

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

(1)

CRM-M-46557-2022

Date of Decision:- 31.05.2023

Sahiban Singh @ Prince

...Petitioner

Versus

State of Punjab and Anr.

...Respondents

(2)

CRM-M-51541-2022

Date of Decision:- 31.05.2023

Amninder Singh @ Amrinder Singh @ Laddi and Anr.

...Petitioners

Versus

State of Punjab and Anr.

...Respondents

CORAM:-HON'BLE MS. JUSTICE AMARJOT BHATTI

Present: Mr. M.S.Bhatti, Advocate for the petitioner(s).

Mr. Kunwarbir Singh, Assistant A.G. Punjab.

Mr. Kulwinder Singh, Advocate
for respondent No.2 in CRM-M-51541-2022.

Mr. Abhishek Chha, Advocate
for respondent No.2 in CRM-M-46557-2022.

AMARJOT BHATTI, J. (Oral)

The petitioner(s) – Sahiban Singh @ Prince, Amninder Singh @

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Amrinder Singh @ Laddi and Simranjeet Singh @ Simranjit Singh @ Bai have filed separate petitions under Section 438 Cr.P.C. for grant of anticipatory bail in FIR No. 77 dated 25.08.2022, registered under Sections 354-B, 324, 451, 323, 506, 148, 149, 458 of IPC and Section 8 of POCSO Act (offence under Section 326 of IPC added later on) at Police Station Banur, District Patiala. Both these petitions have arisen out of the same FIR, therefore, both the petitions are taken up together for disposal.

The facts of the case are that the prosecutrix alleged that she is about 14 years of age. Her entire family is residing on the tube-well motor of Parvinder Singh at village Rampur Khurd for the last two years. On the night of 18.08.2022, they were sleeping and at about 11:30 PM, 4-5 persons entered in their house. One of the person was having glass bottle and other one was holding a rope. They started threatening them and told them to call their owner Happy. Her parents enquired from them as to why they had entered their house. Amninder Singh @ Amrinder Singh @ Laddi, who was holding a glass bottle gave blow on the wrist of her left hand and another blow on her left shoulder. Simranjeet Singh @ Simranjit Singh @ Bai had torn her clothes. Her mother tried to rescue her and on this Simranjeet Singh @ Simranjit Singh @ Bai slapped her. Sahiban Singh @ Prince gave beating to her and to her mother with stick. They raised alarm for help and thereafter, those persons left the spot on their respective scooty and motorcycle. With these allegations, the present FIR has been registered.

Learned counsel for the petitioner(s)- Sahiban Singh @ Prince, Amninder Singh @ Amrinder Singh @ Laddi and Simranjeet Singh @

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Simranjit Singh @ Bai argued that they have already joined the investigation on granting *interim* bail. The alleged recoveries have been effected. Even otherwise the matter has been compromised between the parties. The copy of compromise dated 19.09.2022 is Annexure P-3. They are still ready to abide by the terms of bail order. It is prayed that *ad interim* bail already granted in their favour may be confirmed.

Status report is already filed by learned State counsel. In the status report, it is mentioned that after the grant of interim bail the petitioner(s) have joined the investigation but the scooter and motorcycle could not be recovered. Later on the learned State counsel has placed on record the recovery memo dated 25.05.2023 vide which the motorcycle bearing No.PB11 BJ2510 was handed over to the police. There is another recovery memo dated 25.08.2023 vide which glass of bottle and torn clothes were also taken into police possession.

I have considered the arguments and have gone through the record carefully. The aforesaid facts indicate that the present petitioner(s) as referred above have already joined the investigation and the motorcycle allegedly used in the occurrence was also taken into police possession. Apart from this the glass of bottle and torn clothes are also recovered vide recovery memo dated 25.08.2022. As referred in the aforesaid bail applications the matter is allegedly compromised with the complainant.

The petitioner(s)-Sahiban Singh @ Prince was granted *ad interim* bail on 06.10.2022 whereas Amninder Singh @ Amrinder Singh @ Laddi and Simranjeet Singh @ Simranjit Singh @ Bai were granted *ad interim* bail on 23.12.2022. They have already joined the investigation and are not

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required for any other purpose. Therefore, considering these facts, the anticipatory bail applications filed by Sahiban Singh @ Prince, Amninder Singh @ Amrinder Singh @ Laddi and Simranjeet Singh @ Simranjit Singh @ Bai are allowed and the *ad interim* bail already granted in their favour as referred above stands confirmed, subject to the conditions enshrined under Section 438(2) Cr.P.C.

The petitions are accordingly accepted.

Photocopy of this order be placed on the file of connected case.

31.05.2023

Sunil Devi

(AMARJOT BHATTI)
JUDGE

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