

*IN THE HIGH COURT FOR THE STATES OF PUNJAB
AND HARYANA AT CHANDIGARH.*

Cr.Misc. M 1646 of 2015
Date of decision:- 2.2.2015

Arjun Gill

Petitioner

vs.

UT of Chandigarh.

Respondent

Present: Mr. RS Cheema, Sr. Advocate with
Mr. AS Cheema, Advocate
Mr. Sukant Gupta, Advocate for UT

M.M.S.BEDI,J.

The petitioner seeks the concession of regular bail in a case registered at the instance of prosecutrix alleging that after roka ceremony between the complainant and the petitioner and the date of marriage having been fixed, the petitioner and his family members raised demand for costly items. Certain jewellery articles, prepared by the complainant's family, had been taken by the petitioner to his house on the pretext of showing the same to his family members. There is allegation that expensive car was demanded, resulting in the cancellation of wedding. There is a serious allegation levelled against the petitioner that when the complainant was at petitioner's residence, an attempt had been made to outrage her modesty. The allegation of an attempt to rape has also been levelled.

I have heard counsel for the parties and gone through the police file and the nature of the material gathered during the course of investigation. A perusal of police file indicates that after police remand of

two days having been granted, certain recoveries were effected. The petitioner at present is in judicial custody. As per the investigating officer, challan is ready to be presented in the court. The petitioner has been in custody since 17.12.2014.

Without expression of any opinion on merits of the case, at this stage, it is sufficient to observe that as per the allegations and the material gathered, during the course of investigation, it will certainly be a debatable issue whether the act attributed to the petitioner ie after fixing the date of marriage, during the period of courtship, the petitioner committed the act of outraging the modesty or it was an attempt which would fall under the definition of attempt to rape. Recoveries having been effected; challan having been prepared and the trial likely to take a long time, no useful purpose would be served by keeping the petitioner in custody during the entire period of trial.

The petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/ surety bonds to the satisfaction of CHM, Chandigarh.

February 2 , 2015
TSM

(M.M.S.BEDI)
JUDGE