

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

CRM-M No.42098 of 2018

Date of decision: 29th October, 2018

Dinesh Kumar

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Amandeep Singh, Advocate for the petitioner.

Ms. Samina Dhir, Dy. Advocate General, Punjab
for the respondent/State.

FATEH DEEP SINGH, J. (ORAL)

Mr.Malhar Singh Dhami, Advocate puts in appearance and files his power of attorney on behalf of the complainant.

Allegations against the petitioner Dinesh Kumar in this regular bail application under Section 439 Cr.P.C. as levelled by the complainant Shelly Devi, are that the accused petitioner who happens to be their relative from maternal side, used to often tease her minor daughter and made gestures which are quite against the societal norms and that on 19.08.2018 in the evening when the complainant was accompanying her daughter, it is alleged that the petitioner had stopped her on the way and caught hold of her arm and asked to accompany him to his home, leading to registration of the present case, upon which the petitioner was arrested on 23.08.2018.

Learned counsel for the petitioner Mr. Amandeep Singh, Advocate submits that it is a case of family dispute between the two sides

and that the petitioner is behind bars for almost two months and that the trial is not likely to be concluded in the near future.

On behalf of the State, Ms. Samina Dhir, Dy. Advocate General, Punjab on instructions from HC Keshav Kumar from Police Station Nanga, assisted by Mr. Malhar Singh Dhimi, Advocate representing the complainant have opposed the grant of bail on the grounds that challan has been presented and is likely to be committed to the Court concerned and if allowed bail, the petitioner would influence the witnesses and hence sought dismissal of the petition.

Appreciating the submissions of the two sides, the petitioner admittedly is behind bars for two months. The factual scenario is not displaced by the learned State counsel. Culpability, if any, shall be determined at the trial which is not likely to be concluded in the near future. Therefore, without feeling the necessity to advert on to the merits of the case, this Court is of the opinion that further detention of the petitioner in the present case is unwarranted. Accordingly, he is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Rupnagar.

The petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

October 29, 2018

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No