

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

Criminal Misc. No.M- 47930 of 2017(O&M)

Date of Decision: March 15 , 2018.

Kuldeep Singh @ Ghula

..... PETITIONER (s)

Versus

State of Punjab

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Inder Pal Singh, Advocate
for the petitioner.

Ms. Seena Mand, DAG, Punjab.

Mr. L.S.Sidhu, Advocate
for the complainant.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL, J.

The petitioner prays for bail pending trial in FIR No.161 dated 25.10.2016 under Sections 326/323/354/506/148/149 IPC, registered at Police Station Sadar Tarn Taran, District Tarn Taran.

It is submitted that the petitioner has been falsely implicated in this case as he is associated with the husband of the complainant. Various litigations between the complainant and her husband are pending due to a matrimonial dispute between them. It is further submitted that the complainant has initiated a

number of proceedings against numerous persons who have, at any stage, tried to help or aid her husband. Learned counsel for the petitioner further submits that the co-accused Jaswinder Singh has been afforded the concession of bail pending trial by this Court on 15.01.2018 in CRM No.M-48800 of 2017. A perusal of order dated 15.01.2018 reveals that there is a reference to judgment dated 14.12.2016 wherein allegations have been raised by the complainant against one Harbhinder Singh in FIR No.31 dated 09.02.2014 under Section 354 IPC. Harbhinder Singh was thereafter acquitted. Three other FIRs initiated by the complainant are mentioned in the said judgment. It is submitted that final report in this case has been presented and charge has been framed against the petitioner, who is in custody since July 2017. The petitioner, it is submitted, is not involved in any other criminal case. He undertakes to face proceedings and not to misuse the concession of bail, if afforded to him. It is thus prayed that this petition be allowed.

Learned counsel for the complainant and the State have opposed this petition while submitting that there specific allegations against the petitioner attracting the rigours of Sections 323/354 IPC. However, it is not denied that the final report under Section 173 Cr.P.C. has since been presented. Charge against the petitioner has been framed. On instructions from HC Tarsem Singh, learned counsel for the State verifies that the petitioner is not involved in any other criminal case. Trial in this case is not likely to conclude in the near future.

There are no allegations on behalf of the State that the petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts before the Court, if released on bail.

Keeping in view the facts and circumstances of the case but without commenting upon or expressing any opinion on the merits thereof, this petition is allowed. The petitioner be released on bail pending trial subject to his furnishing requisite bail bonds and surety to the satisfaction of the learned Trial Court.

It is made clear that the petitioner shall not directly or indirectly try to contact the complainant-prosecutrix/any of her family members or witnesses in this case. Any such infraction on the part of the petitioner may entail cancellation of his bail.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

March 15 , 2018.
'om'

(**LISA GILL**)
JUDGE

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