

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

CRM-M No.51682 of 2018
Date of decision: 29th November, 2018

Lachhman Dodhi @ Lachhman Das

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

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

Mr. Dhruv Dayal, Sr. Dy. Advocate General, Punjab
for the respondent/State.

FATEH DEEP SINGH, J. (ORAL)

Allegations against the petitioner Lachhman Dodhi @ Lachhman Das in this first regular bail application under Section 439 Cr.P.C. have been levelled by complainant Satinder Kaur in her complaint (Annexure P1), wherein she alleged that on 25.05.2018 around 9:30 a.m. petitioner, who is a milkman, entered into a verbal duel with the complainant and in the process it is alleged that the accused petitioner has grappled with her and tried to outrage her modesty leading to arrest of the petitioner on 10.10.2018.

Learned counsel for the petitioner, Mr. Abinashi Singh, Advocate has argued that it was the petitioner who has initially lodged a

complaint before the police for non-payment of his arrears of milk and has sought to place reliance on (Annexure P3) and that he has been falsely implicated.

On behalf of the State, Mr. Dhruv Dayal, Sr. Deputy Advocate General, Punjab on instructions from ASI Jarnail Singh, Police Station Sardoolgarh, District Mansa, has squarely conceded at the bar that it was a complaint by the petitioner made to the police regarding non-payment by the present complainant and on his demanding money, having spilled his milk and using abusive and derogatory language qua him, and thus did not oppose grant of bail.

Appreciating the submissions of the two sides, in view the stand of the State, as is evident from (Annexure P3) it was the petitioner who has initially lodged a complaint before the police and apparently, to the mind of this Court the present case is a counterblast to the same for a motivated cause. Petitioner is behind bars since a long time. Investigation and trial are not likely to be concluded in the near future and culpability, if any, shall be determined at the trial. In view thereof, this Court is of the opinion that no useful purpose will be served by further keeping the petitioner in custody in the present case. Accordingly, he is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Mansa.

However, it is made clear that anything observed herein shall not be construed as an expression on the merits of the case.

The petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

November 29, 2018
rps

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