

CRM-M-640-2018 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-640-2018 (O&M)

Date of Decision: 14th March, 2018

Gurbaj Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Gaurav Singla, Advocate, for
Mr. Sanjiv Gupta, Advocate,
for the petitioner.

Mr. Dhruv Dayal, Sr. DAG, Punjab.

AUGUSTINE GEORGE MASIH, J. (ORAL)

CRM-370-2018

Application is allowed, subject to all just exceptions.

CRM-M-640-2018

Petitioner has approached this Court for grant of regular bail by filing this petition under Section 439 of the Code of Criminal Procedure, 1973, in FIR No.0088, dated 08.09.2016, registered at Police Station Bhadwon, District Patiala, under Sections 436, 427, 323 and 506 of the Indian Penal Code.

It is the contention of the learned counsel for the petitioner that the marriage was solemnized 15 years prior to the date of occurrence as mentioned in the FIR by the complainant, who is none other than the wife of

the petitioner, wherein, she has alleged that her husband was a habitual drinker and under the influence of liquor gave beatings to her. Brother-in-law of the petitioner and wife of brother-in-law came to his house where initially they had altercation and thereafter, grappled with him. It is asserted that he started giving beatings to the complainant i.e. his wife. Complainant along with her brother and his wife went to Dera Mahant of village Khanaura. It is, thereafter, the petitioner had burnt his own house and in that incident, the motor-cycle of the brother-in-law of the petitioner was also burnt. FIR has been registered after a period of four days. He contends that the petitioner was arrested on 04.12.2017 and is in custody since then.

Counsel for the State submits that apart from the offences for which the FIR was registered, Section 201 of the Indian Penal Code has also been added as he had destroyed the evidence by removing the burnt gas cylinder. On instructions from ASI Shivdev Singh, P.S. Bhadson, District Patiala, he states that the challan has been presented on 01.03.2018 and the case is fixed today before the trial Court for framing of charges. He, however, could not dispute the fact that there is no medico legal report of the wife of the petitioner, who is the complainant.

Considering the submissions made by the counsel for the parties and keeping in view the facts that no recovery has to be effected from the petitioner, he is in custody for the last more than three months, trial is not likely to conclude soon and further detention of the petitioner in jail will not serve any fruitful purpose, the present application is allowed and the petitioner is ordered to be released on bail subject to his furnishing

CRM-M-640-2018 (O&M)

bail and surety bonds to the satisfaction of the trial Court concerned.

14th March, 2018
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No