

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-5882 of 2019

Date of Decision: 13.6.2019

Gurjant Singh

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Ashok Paul Batra, Advocate
for the petitioner (s).
Mr. A.S.Kakkar, Advocate, for the complainant.
Ms. Anu Chatrath, Addl. AG, Punjab.

RAJ SHEKHAR ATTRI, J.

The present petition has been filed under Section 439 Code of Criminal Procedure (in short, “Cr.P.C”.) for grant of regular bail to the petitioner in case FIR No.217 dated 14.11.2018 registered for the offences punishable under Sections 376B, 377, 511, 323, 506 of Indian Penal Code (for short, “IPC”) at Police Station Canal Colony, Bathinda.

The allegations leveled against the petitioner are that an FIR was lodged by the prosecutrix on the ground that earlier she was married with Varinder Singh in the year 1988. From this wedlock, she was blessed with two children but she obtained divorce from him in the year 2006. Thereafter, the prosecutrix married with the present petitioner-Gurjant Singh according to Sikh religious rites on 1.9.2014. It is her case that at that time, Gurjant Singh vide his affidavit dated 25.6.2008 had assured the prosecutrix that he will look after and maintain her as well as her children

prosecutrix also came to know that the petitioner has already married and was having children.

I have heard learned counsel for the parties and gone through the record.

In the FIR, the prosecutrix has claimed that she was residing as wife of the petitioner since the year 2008 and, thereafter, they married in the year 2014 and continued as such for about four years and later on, the petitioner has abandoned her.

Keeping in view the facts and circumstances of the case and without expressing any opinion on merits of the case and keeping in view the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Gurjant Singh son of Joginder Singh is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- (c) He shall not leave the country without the prior permission of the Court.

June 13, 2019

Paritosh Kumar

**(RAJ SHEKHAR ATTRI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No