

CRM-M-16645-2019

Date of Decision : 17.05.2019

Bhagwan Singh

.....Petitioner

versus

State of Punjab

....Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH**Present:** Mr. G.B.S. Dhillon, Advocate
for the petitioner.Mr. Saurav Khurana, DAG, Punjab
for the respondent-State.**FATEH DEEP SINGH, J. (ORAL)**

This order shall dispose off first regular bail application under Section 439 Cr.P.C in a case bearing FIR No.0229 dated 28.10.2018 filed under Sections 376/511/323/120-B of the Indian Penal Code registered at Police Station Jamalpur, District Ludhiana.

The allegations against the accused/petitioner-Bhagwan Singh, aged around 78 years, have been levelled by his daughter-in-law, wife of accused/non-applicant-Vikramjit Singh, son of the present petitioner.

The brief allegations are that at the time of registration of the present case on 28.10.2018, she had been married for less than one year and that her husband-Vikramjit Singh, mother-in-law-Davinder Kaur and sister-

in-law-Rimpi including the petitioner/father-in-law, often used to ill treat and physically abuse her on account of which the complainant claims that she was physically as well as mentally tortured and an attempt was made to defile her by her father-in-law, leading to the registration of the present FIR and arrest of the petitioner on 29.10.2018.

Learned counsel for the petitioner *inter alia* contends that the petitioner is more than 78 years of age and is even otherwise crippled and it is a pure matrimonial dispute which has given a tinge of attempt to rape for motivated cause arguing that the complainant/wife and her husband-accused/non-applicant are now living together.

On behalf of the State, the learned State counsel, assisted by ASI Baldev Singh, Police Station Jamalpur, District Ludhiana, though does not displace the facts that has been canvassed before this Court by learned counsel for the petitioner but has vehemently opposed the grant of relief on the grounds of seriousness of the allegations and the apprehension that, if allowed bail, he would influence the witnesses and stifle the trial.

Appreciating the submissions of the two sides, it is duly accepted even by the learned State counsel that petitioner is aged around 78/79 years and is physically handicapped. The petitioner is behind the bars for more than 06 months and the couple has reconciled, thus, culpability, if any, shall be determined at the trial, this Court is of the opinion that it would serve no useful purpose to further detain the petitioner in custody. Accordingly, he is ordered to be released on regular bail to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate/Illaqa Magistrate of the

Court concerned.

The petition stands disposed off accordingly.

17.05.2019
Neha

(FATEH DEEP SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No