

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM M-22921 of 2019
Date of Decision: July 11, 2019

Saurav

.....Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. D.S. Sandhu, Advocate
for the petitioner.

Mr. H.S. Grewal, Addl. A.G., Punjab.

FATEH DEEP SINGH, J. (Oral)

This order shall dispose off first regular bail application under Section 439 Cr.P.C. moved in FIR No. 83 dated 13.04.2019 under Sections 354(c) and 452 IPC, Police Station City Kapurthala, District Kapurthala.

The precise allegations are that on 11.04.2019, in the morning, the accused stood outside the house of the complainant, an unmarried woman and made obscene gestures and acts and which was also captured on the CCTV camera. On verification, it was disclosed

that he was habitual to all these things and had been doing so even on the earlier occasions leading to the registration of the present case and the arrest of the accused/petitioner on 28.04.2019.

Mr. D.S. Sandhu, learned counsel for the petitioner has contended that the petitioner is behind the bars since almost more than two months and that he is suffering from psychosocial disorder and presently is under treatment and has sought to place reliance on treatment record (Annexure P-2) and has produced the father of the petitioner Mr. Jagdish, who has been identified by him. The father of the petitioner has undertaken that he will ensure that the accused/petitioner does not create any nuisance in the neighbourhood.

Learned State counsel on instructions from ASI Satnam Singh has conceded to the facts brought to the notice of the Court by the learned counsel for the petitioner and has sought to oppose the grant of bail on the ground that the petitioner is a habitual to such acts.

Going through the submissions and keeping in view the period of incarceration coupled with the fact that the petitioner is suffering from mental disorder and is under treatment and there is assurance by the father/natural guardian of the petitioner to ensure proper behavior by the petitioner.

Keeping in view the fact that the trial is not likely to be accomplished in near future and it would be travesty of justice, if the petitioner is kept behind the bars, this Court is of the opinion that it is

a fit case for grant of bail. Accordingly, the petitioner is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, concerned.

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

Disposed off.

July 11, 2019
amit rana

(FATEH DEEP SINGH)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No