

210.

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

CRM-M-49501-2018

Date of Decision:18.01.2019

MEHTAB SINGH @ MANI

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. P.K.S.Phoolka, Advocate
for the petitioner.

Mr. Rana Harjasdeep Singh, DAG, Punjab.

HARI PAL VERMA, J. (ORAL)

Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.56 dated 08.04.2018 registered under Sections 307/354-A/452 IPC at Police Station Sangat, District Bathinda.

Learned counsel for the petitioner has argued that the petitioner is in custody since 26.04.2018 and as per FIR, there is no allegation against him outraging the modesty of the complainant in any manner. He states that even the allegation against the petitioner that he has caused injury to Gurpreet Singh attracting the offence under Section 307 IPC, is false for the reason that though he was admitted in the hospital but he has left the hospital against a medical advise. Trial in the case will take long time.

Learned State counsel, on instructions from ASI Nirmaljit Singh, states that as per FIR the petitioner has come to the house of the complainant with an axe when she was alone and started scuffling and doing immoral acts with her and during the process when the prosecutrix was resisting, her husband reached there and on seeing her husband, the petitioner gave axe blow on the head of her husband. He further states that any injury or even scuffling to a woman makes out a case of outraging the modesty.

I have heard learned counsel for the parties.

Considering the fact that in the FIR there is no such allegation where the petitioner has outraged the modesty of the complainant, similarly for the offence under Section 307 IPC, it has not been controverted that Gurpreet Singh (husband of the complainant) has left the hospital against the medical advise, petitioner is in custody since 26.04.2018 and the trial in the case will long time, he is admitted on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court.

Accordingly, present petition is allowed.

The observations made hereinabove shall not be construed as an expression on the merits of the case and the trial court shall decide the case on the basis of available material.

However, it is made clear that the petitioner shall not extend any threat or undue influence upon the witnesses in any manner.

(HARI PAL VERMA)
JUDGE

January 18, 2019

Jyoti-11 Whether speaking/reasoned Yes/No Whether Reportable Yes/No