

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

CRM-M-53667-2018 (O&M)

Date of decision: 7.1.2019

Nishan Singh

... Petitioner(s)

VERSUS

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Amit Arora, Advocate.
for the petitioner.

Mr. V.G.Jauhar, Sr. DAG, Punjab.

RAJ SHEKHAR ATTRI, J.

The present 2nd petition has been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No.59 dated 17.3.2018 registered for the offences punishable under Sections 376, 511, 323, 506, 34, 120-B of Indian Penal Code, at Police Station Sadar, District Tarn Taran.

Heard.

Briefly stated, the facts of the case, as per the prosecution version are that the prosecutrix was married with the younger brother of the petitioner, namely, Gurjudge Singh on 4.12.2009 as per Sikh rites and rituals. The husband of the prosecutrix is residing abroad and would come to India for some time; that Gurjudge Singh used to give beatings to his wife-complainant right from the beginning and he was supported by his elder brother and father for his nefarious activities; that on 13.3.2018 while

household work, then petitioner-Nishan Singh, caught hold of her from her arm and forcibly took her to a room; that he tried to have physical relations with the complainant against her consent; the complainant raised hue and cry, then Nishan Singh left her and went out of the house, however, husband and other members of his family though informed by the complainant regarding the incident did not show any sympathy with her, rather they gave beatings to the complainant; that Nishan Singh joined them in doing so; he gave two dang blows to the complainant, one blow hitting her on right side of back and the other on right elbow, then all of them stated that they would burn her alive so that Gurjudge Singh can contract a second marriage; they forcibly put the complainant in Alto car and took her to house of the mediator Sukhwinder Singh at village Jhamka Khurd; Sukhwinder Singh informed parental family of the complainant, who took the complainant along with them, got her medically examined and then the matter was reported to the police by the complainant, on the basis of which formal FIR was recorded.

The earlier bail application filed by the petitioner was dismissed on merits by this Court vide order dated 26.9.2018 passed in CRM-M-22732-2018.

It has been argued that there was matrimonial discord between Gurjudge Singh and the complainant. However, the divorce petition (Annexure P-2) was filed much before the registration of the FIR.

Keeping in view the above circumstances, this Court is of the view that the petitioner is not entitled to the concession of pre-arrest bail.

Dismissed.

At this stage, counsel for the petitioner submits that in case the petitioner surrenders before the trial Court and moves an application for bail, the same may be disposed of at the earliest.

Trial Court is directed that in case the petitioner surrenders and moves an application for bail, the same shall be decided within seven days.

January 7, 2019
Paritosh Kumar

(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No