

CRM-M-41717-2019

Date of Decision : 15.10.2019

Abishant Bhardwaj

.....Petitioner

versus

State of Punjab

....Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH**Present:** Mr. Anmol Rattan Sidhu, Senior Advocate with
Ms. Avneet Kaur, Advocate
for the petitioner.Ms. Sakshi Bakshi, Asstt.A.G., Punjab
for the respondent-State.Complainant in person with
Mr. Gaganeshwar Walia, Advocate.**FATEH DEEP SINGH, J. (ORAL)**

The petitioner-Abishant Bhardwaj, who happens to be the husband of complainant-lady has come up in this regular bail application under Section 439 Cr.P.C in a case bearing FIR No.0081 dated 30.08.2019 filed under Sections 323, 498-A and 377 of the Indian Penal Code registered at Police Station Kiratpur Sahib, District Rupnagar.

The complainant has levelled the allegations that the petitioner who posing himself to be MD Doctor by profession, enticed and got married with the complainant. It is during the course of matrimonial disaccord erupted between the couple and it is claimed by the wife that she was physically as well as mentally abused and the accused would also commit unnatural sex and would torture her by touching her body with ignited cigarette. Upon registration of the case, the accused was arrested on 30.08.2019.

Learned counsel for the petitioner *inter alia* argues that it was a pure matrimonial dispute and there is nothing suggestive from the MLR as well as from the medical evidence to show any burn injury marks and are only simple injuries, which have been fabricated and the petitioner is behind the bars since long time.

On instructions from ASI Shamsheer Singh, Police Station Kiratpur Sahib, District Rupnagar, the learned State counsel assisted by learned counsel for the complainant, who is present in person in the Court today, has sought to oppose the grant of bail on the grounds of seriousness of the allegations and heinousness of the offences. It is contended that if the petitioner is allowed bail, he would stifle the investigations and so the trial.

Heard.

To the specific query posed by this Court, the learned State counsel along with counsel for the complainant fairly concedes at the bar that there is no medical evidence to show commission of

offence under Section 377 of the Indian Penal Code or as to any burn injury marks to support the case of the petitioner that she was given injuries by ignited cigarette. The petitioner is behind the bars for almost a little less than two months and he has been hauled up for offence under Sections 323/498-A and 377 of the Indian Penal Code.

In view of the aforesaid, the petition is allowed. The petitioner is behind the bars since long time, 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/Illaq Magistrate of the Court concerned.

The petition stands disposed off accordingly.

15.10.2019

Neha

**(FATEH DEEP SINGH)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No