

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

CRM-M-48241 of 2019.

Decided on:- December 06, 2019.

Surinder Singh.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Narinder S. Lubana, Advocate
for the petitioner.

Mr. Sukhbeer Singh, A.A.G., Punjab.

Mr. H.S. Baath, Advocate
for the complainant.

HARI PAL VERMA, J. (Oral)

Petitioner Surinder Singh, who is brother-in-law of the complainant, has filed this petition under Section 439 Cr.P.C. seeking regular bail in FIR No.121 dated 15.09.2019 under Sections 452, 384, 506, 498-A, 323, 294, 342, 354, 354-A, 509, 354-D and 380 IPC read with Section 12 of the Protection of Children from Sexual Offences Act, 2012 registered at Police Station Chamkaur Sahib, District Rupnagar.

The aforesaid FIR was registered at the behest of Harbans Kaur. As per the FIR, complainant Harbans Kaur is married with Jang Bahadur Singh, who is living in Spain for the last about 14 years. There are two children from this marriage i.e. a son, namely, Gurdeep Singh, aged about 16

years and a daughter, namely, Neelam, aged about 17 years. The allegation against the petitioner is that he used to harass the complainant and compel her to develop illicit relations with him and on refusal, he beats her.

Learned counsel for the petitioner has argued that the petitioner and the complainant are residing in the same locality for the last about 20 years. The petitioner is the only person to look after the family of the complainant as her husband is living abroad. The petitioner has never asked the complainant to develop illicit relations with him. In fact, it is the complainant, who is committing wrong as she is maintaining illicit relations with some other person other than her husband. When the petitioner restrained her, in retaliation thereof, she has got the present FIR registered against him. The petitioner is in custody since 21.09.2019 and the trial is not likely to be concluded in near future.

Learned counsel for the complainant has argued that the allegations against the petitioner are serious. The petitioner entered the house of the complainant and gave severe beatings, which is visible from the CCTV footage installed in the house. There are specific instances in the FIR when the petitioner had come to the house of the complainant and gave her threats and abuses.

Learned State counsel joins the arguments of learned counsel for the complainant. On instructions from ASI Gurmukh Singh, he submits that after presentation of Challan, charge against the petitioner has been framed by the trial Court and the case is now fixed for recording prosecution evidence on 16.12.2019.

I have heard learned counsel for the parties.

The petitioner is real brother-in-law of the complainant. The son of complainant, namely, Gurdeep Singh, is present in Court.

Learned counsel for the petitioner, on instructions from Gurdeep Singh, has informed this Court that the allegations against the petitioner that he is harassing and beating or ever tried to establish physical relations with the complainant, are totally baseless, rather, the petitioner is taking care of the family.

Therefore, considering the close relations between the parties and the fact that the son of the complainant is not supporting the version of the complainant coupled with the fact that the petitioner is in custody since 21.09.2019 and conclusion of trial is likely to take sufficient long time, this Court finds that the petitioner deserves to be admitted on bail.

Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing adequate bail and surety bonds to the satisfaction of learned trial Court.

The observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and the trial Court shall decide the case without being influenced with these observations in any manner.

December 06, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No