

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

CRM-M No.50316 of 2019
Date of decision: 2nd December, 2019

Gurlal Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. HPS Ishar, Advocate for the petitioner.

Ms. Sakshi Bakshi, Assistant Advocate General, Punjab
for the respondent/State.

FATEH DEEP SINGH, J. (ORAL)

Petitioner Gurlal Singh, who is in custody in a case bearing FIR No.198 dated 01.11.2019 under Sections 323, 452, 354-A, 354-B IPC pertaining to Police Station Bhikhi, District Mansa, has sought regular bail under Section 439 Cr.P.C. The present case was got registered on the complaint of wife of elder brother of the petitioner, alleging that the family of the complainant was living separate from that of the petitioner and there arose a dispute between them over the property. It is alleged that on 29.10.2019 in the evening while the complainant was cooking food at her house, the accused entered the house and tore off clothes of the complainant and tried to molest her leading to registration of the present case.

Learned counsel for the petitioner Mr. HPS Ishar, Advocate inter alia contends that the petitioner is behind bars for the last one month

and that it is purely a family feud over division of property and that the petitioner has been falsely implicated.

Learned State counsel Ms. Sakshi Bakshi, Assistant Advocate General, Punjab on instructions from ASI Surjit Singh, Police Station Bhikhi, District Mansa, though does not displace the factual scenario but has strongly opposed grant of bail on the grounds that if allowed bail the petitioner might influence the trial.

Appreciating the submissions of the two sides, there is no cogent evidence by way of medical to prima facie establish the allegations of molestation. Keeping in view that the two sides are fighting over the division of their property, puts the Court on its guard. In the light of period of incarceration undergone by the petitioner together with the fact that culpability, if any, shall be determined at the trial which is not likely to conclude in the near future, this Court is of the opinion that no useful purpose will be served by keeping the petitioner in custody in the present case. Accordingly, he is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Mansa. However, it is made clear that anything observed herein shall not be construed as an expression on the merits of the case.

The petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

December 2, 2019

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No