

**In the High Court for the States of Punjab and Haryana  
At Chandigarh**

CRM-M-13367-2020 (O&M)  
Date of Decision:-21.9.2020

Shakti ... Petitioner

Versus

State of Punjab ... Respondent

**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL**

Present:- Mr. Rahul Bhargav, Advocate for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab.

*(proceedings conducted through video conferencing)*

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**GURVINDER SINGH GILL, J.**(Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.87, dated 9.4.2013, registered at Police Station City Batala, District Gurdaspur, under Sections 354-B, 354, 506, 324, 34 IPC.
2. The FIR was lodged at the instance of the victim, wherein it has been alleged that on 8.4.2013 she along with her son Daksh and husband Rakesh Sarna went to have spring-roll at “Pahari Gate” on their scooter. While they were present there, Sunny and Shakti (petitioner) along with 2 other boys, who were in inebriated condition, came there and Sunny and Shakti started molesting her and touched her back. When the victim objected to the same, the said accused held out threats to eliminate her. When the victim’s husband

tried to reason out with the aforesaid accused, then Sunny and Shakti (petitioner) picked up knives from the handcart of spring-roll costermonger and Shakti gave a blow with a knife upon complainant's husband hitting him on his right hand. When the complainant raised alarm the said accused hurled abuses. Later the complainant and her husband went to civil hospital where her husband was given first-aid.

3. The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that falsity would be evident from the fact that co-accused, who was tried, has since been acquitted.
4. Opposing the petition, the learned State counsel has not denied the fact that co-accused stands acquitted. The learned State counsel submits that it is a case where the petitioner had earlier remained proclaimed offender for a good more than five years.
5. I have considered rival submissions addressed before this Court.
6. Keeping in view the fact that the co-accused stands acquitted, it would certainly be debatable as to whether the petitioner has indeed committed the offences in question. No doubt, the petitioner had earlier remained a proclaimed offender but as of now, after his arrest, he has been behind bars since the last more than 1 year and 4 months. In these circumstances, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

**21.9.2020**

pankaj

Whether speaking /reasoned

Whether Reportable

Yes / No

Yes / No

**( Gurvinder Singh Gill )**  
**Judge**