

204 (2nd case)

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

CRM-M-15032 of 2020 (O&M)

DATE OF DECISION : 02.09.2020

Gurpreet Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Bhriugu Dutt Sharma, Advocate,
for the petitioners.

Mr. Sidakmeet Sandhu, AAG, Punjab.

Mr. Mohit Singla, Advocate,
for the complainant.
(Presence marked through video conference)

ARUN MONGA, J. (ORAL)

1. Petitioner seeks regular bail in case FIR No.121 dated 28.04.2020 registered under Sections 377, 315, 354, 342, 323, 506, 34, 120-B of the IPC, Police Station Beas, District Amritsar Rural, Amritsar.

2. FIR was registered on the complaint of wife of the petitioner i.e. respondent No.2 herein. Per FIR, marriage of complainant was solemnized with the petitioner on 27.01.2013. Out of wedlock, two children are also born. Wife's complaint against her husband, inter alia, is his act of alleged forcible unnatural sex with her. Allegation is also that when she was about one and a half months pregnant, her brother-in-law, parents-in-law and petitioner had beaten her up. Her in-laws family forcibly administered some hot liquid containing spices, which resulted into abortion. Her brother-in-law allegedly also gave blow on her jaws and pulled her cheeks to insult her. She was threatened not to disclose the incident to anyone. She was rescued by

her elder sister Savita, who brought her to hospital for treatment. FIR was registered. Petitioner is stated to be in custody since 14.05.2020.

3. Learned counsel for the petitioner submits that there are vague allegations against the petitioner and his other family members. That too, levelled after a gap of seven years of marriage. According to him, there were temperamental differences between the couple. FIR in question essentially arises out of matrimonial discord. He submits that minor children are currently residing under the custody/care and attention of their parental uncle. Since their father (petitioner) is confined in jail, children are deprived of special parental care and attention during pandemic scenario. Complainant/mother is currently not residing in the matrimonial home.

4. On the other hand, learned State counsel opposes the bail plea. According to him, considering the gravity of the offence, the petitioner is not entitled to bail.

5. Having heard learned counsel for the parties, I am of the opinion that the allegations of the complainant would eventually be adjudicated on basis of evidence to be adduced during the trial. At this juncture, when Courts are working with restrictions, there seems no possibility of even commencement of trial anytime soon and conclusion thereof in near future thus seems uncertain too. No useful purpose would be served by keeping the petitioner behind the bars, especially when his minor children are presently being deprived of their parental care. Being of tender age, if not attended properly during pandemic times, they are susceptible to get infected. In the circumstances, without commenting on the merits of the case, the petition is allowed. Petitioner shall be released on bail on his

furnishing bail bonds and surety bonds to the satisfaction of concerned Chief
Judicial Magistrate/ Duty Magistrate, as the case may be.

September 02, 2020
Jiten

(ARUN MONGA)
JUDGE

Whether speaking/reasoned :

Yes/No

Whether reportable :

Yes/No