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

**CRM-M-39150-2020
Date of Decision: 09.12.2020**

SWARANJIT SINGH

.....Petitioner

Vs

STATE OF PUNJAB AND ANR

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Govinder Singh Brar, Advocate
for the petitioner.

Mr. Randhir Singh, Thind, DAG, Punjab.

Mr. Jatinderpal, Advocate
for the complainant

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video conferencing.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.30 dated 03.10.2020, registered under Section 498-A, 406, 376, 506 IPC at Police Station PS Women, District Bathinda.

By referring to para 11 of the FIR, learned counsel for the petitioner submits that the allegations in terms of offence under Section 376 IPC have been alleged against Gurvinder

Singh @ Gindi i.e. cousin brother of the petitioner and the alleged occurrence took place in the month of October, 2017. The alleged fault on behalf the petitioner is that he did not take any action against his cousin brother on being informed by the complainant and he rather condoned the act of his cousin brother. There is no allegation against the petitioner in the context of offence under Section 376 IPC but the allegations are of maltreatment and threat in the terms of offences under Sections 498-A, 406, 506 IPC. Challan has already been presented. Charges have not been framed so far. Petitioner is in custody since 30.10.2020.

Learned State counsel on the other hand submits that even though the petitioner by condoning the act of his cousin brother the petitioner is also responsible for the mis deeds of his cousin brother. The alleged occurrence took place in the month of October, 2017. The cousin brother of the petitioner was got married in November, 2017. The allegations of the complainant that Gurvinder Singh @ Gindi was instrumental in showing her the mobile video-clip in order to embarrass her even after marriage would be tested on the basis of evidence to be led by the parties. Petitioner is the husband of the complainant. The allegations against him are under Section 498-A, 406 and 506 IPC. The alleged in action on his part in the context of

occurrence on October, 2017, would be tested in judicial scrutiny by the Court at the relevant stage. Nothing is to be recovered. The challan has already been presented. The trial of the case may take some time in its culmination.

Looking to the aforesaid facts and in view of the situation arising out due to COVID-19 pandemic and without adverting to the merits of the case, I deem it appropriate to enlarge the petitioner on regular bail.

In view of above, petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

December 09, 2020

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Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No