

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

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**CRM-M-40962-2020  
Decided on : 15.12.2020**

Gurmeet Kaur

. . . Petitioner(s)

Versus

State of Punjab

. . . Respondent(s)

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

**(Through Video Conferencing)**

PRESENT: Mr. P.P.S. Tung, Advocate  
for the petitioner(s).

Mr. Saurav Khurana, DAG, Punjab  
assisted by ASI Jarnail Singh.

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**MANJARI NEHRU KAUL, J. (Oral)**

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 183, dated 16.10.2018, under Sections 498-A, 376, 506, 120-B IPC (later on added Section 376-D IPC), registered at Police Station Nihal Singh Wala, District Moga, Punjab.

Learned counsel for the petitioner *inter alia* contends that on a perusal of the contents of the FIR, it is clearly revealed that the instant FIR is the result of matrimonial dispute between the complainant and her-in-laws and the petitioner-husband has been implicated only with the motive to harass the in-laws. It has further been contended that the prosecutrix during her evidence before the trial court resiled from her statement and did not support the case of the prosecution. Hence, no useful purpose would be served by keeping the petitioner behind bars, as he has been in custody for more than two years.

It has been further contended that only 03 out of the 17 prosecution witnesses cited so far have been examined before the trial Court,

which include the prosecutrix and her brother. This Court has been further apprised that both the prosecutrix and her brother did not support the case of the prosecution during trial and were declared hostile. Learned counsel has further contended that all the similarly situated co-accused have since been extended the concession of bail by the orders of this Court as well as other coordinate Benches of this Court.

*Per contra*, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions from ASI Jarnail Singh, has conceded that the prosecutrix and her brother did not support the case of the prosecution and were declared hostile.

Heard.

In view of the submissions made by learned counsel for the parties, I deem it a fit case for grant of the concession of regular bail to the petitioner, as the trial is unlikely to conclude in the near future, more so, in the prevailing conditions due to the outbreak of COVID-19. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed as an expression of opinion on the merits of the case.

**(MANJARI NEHRU KAUL)**  
**JUDGE**

**December 15, 2020**

*J.Ram*

*Whether speaking/reasoned:*      *Yes/No*  
*Whether Reportable:*              *Yes/No*