

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

210

CRM-M-5269-2020

Date of Decision : August 26, 2021

GURDARSHAN SINGH

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. R.S.Cheema, Sr. Advocate assisted by
Mr. Arshdeep Singh Cheema, Advocate
for the petitioner.

Mr.Randhir Singh Thind, DAG, Punjab.

Through Video Conferencing

JASGURPREET SINGH PURI. J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.292 dated 28.10.2019 under Sections 384/120-B IPC, Police Station City Faridkot.

Mr. R.S. Cheema, learned Sr. Advocate assisted by Mr.A.S.Cheema, Advocate for the petitioner has submitted that in the present case the petitioner has been falsely implicated and in fact the complainant had committed the offence under the Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994 by performing ultrasound test upon a patient for the purpose of sex determination. He submitted that the ingredients of Section 384 IPC were not made out on the face of it. He further submitted that the other

co-accused, namely, Rashpal Singh and his wife Gurjit Kaur have been granted regular bail by this Court. Learned Senior counsel submitted that be that as it may the present FIR was registered on 28.10.2019 and the investigation of the case has already been completed and challan has now been presented on 22.7.2021. He further submitted that vide order dated 12.2.2020 the petitioner was granted interim bail by this Court which is continuing till date. He referred to order dated 16.7.2021 wherein inadvertently it has been mentioned that the petitioner is on parole but that was a typographical mistake and infact the petitioner is continuing on interim bail. He submitted that the petitioner has not violated any of the conditions of the interim bail and now since the investigation of the case is already complete and no recovery is to be effected from the petitioner and the trial of the case would take long time, he may be considered for the grant of regular bail. He further stated that the petitioner has got no bad antecedents and he has not involved in any other case.

On the other hand, Mr. Thind, learned DAG, Punjab has submitted that it is correct that the investigation of the case is already complete and the challan has been presented under Section 173 Cr.P.C. before the learned trial Court on 22.7.2021. He has further submitted that the petitioner was granted interim bail and he is continuing as such till date and he has not committed any violation of the bail order.

I have heard the learned counsels for the parties.

The present FIR was lodged way back on 28.10.2019 and after a long period of time, the challan has been presented now on 22.7.2021 after completion of investigation. It is a case of the learned

counsel for the parties that no recovery is to be effected from the petitioner and he is not involved in any other case. The trial of the case may take some time. Furthermore, it is not the case of the State that in case the petitioner is released on bail then he may influence any witness or may tamper with any evidence or may flee from justice.

Therefore, considering the totality of the circumstances of the present case, this Court deem it fit to grant bail to the petitioner.

Consequently, the present petition is allowed. The petitioner is ordered to be released on regular bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/Duty Magistrate.

(JASGURPREET SINGH PURI)
JUDGE

August 26, 2021
ajay-1

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