

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(212)

CRM-M-37764-2021

Date of Decision : September 15, 2021

Onkar Singh

.. Petitioner

Versus

State of Punjab

.. Respondent

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Narinder Kumar Vadhera, Advocate, for the petitioner.

Mr. Sandeep Singh Deol, Deputy Advocate General, Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

Present petition has been filed under Section 439 Cr.P.C for the grant of regular bail to the petitioner in respect of FIR No.53 dated 27.05.2021 registered under Sections 307, 452, 148, 149 IPC at Police Station Shri Hargobindpur, District Batala.

Learned counsel for the petitioner submits that there are no allegations attributing any injury to the petitioner and the only allegation is of trespassing the house. Learned counsel for the petitioner further submits that there are no other cases pending against the petitioner and in fact, the petitioner has wrongly been involved in the present case.

Notice of motion.

Mr. Sandeep Singh Deol, learned Deputy Advocate General, Punjab, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State.

Learned counsel for the respondent-State submits that as per the allegations alleged in the FIR, the petitioner trespassed the house of the complainant and allegedly covered the face of the complainant so as to prevent her from screaming.

Learned counsel for the respondent-State concedes that there are no injuries and weapons attributed to the petitioner.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Once, the only allegation against the petitioner is of trespassing and there is no allegation of inflicting any injury upon the complainant and no weapon has been attributed to him, no useful purpose will be served in keeping the petitioner behind the bars any further especially when learned counsel for the petitioner undertakes that in case, the petitioner is granted the benefit of regular bail, he will not influence the trial or witnesses in any manner.

Keeping in view the above, the petitioner has made out a case for the grant of regular bail.

In view of the above and without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, subject to the satisfaction of the trial Court/Duty Magistrate concerned.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

September 15, 2021
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No