

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRM-M No.43986 of 2021 (O&M)

Date of Decision:28.10.2021

Gurdhian Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Deepak K. Bhartia, Advocate
for the petitioner.

Mr. A.S. Gill, Sr. DAG, Punjab.

JAISHREE THAKUR, J. (ORAL)

This is a petition that has been filed under Section 439 Cr.P.C. for seeking regular bail to the petitioner in FIR No.39 dated 26.02.2021 under Section 346 IPC (Sections 323, 376 and 506 IPC added later on) registered at Police Station Sadar Patiala, District Patiala.

Learned counsel for the petitioner herein would contend that the prosecutrix and the petitioner were in a relationship and that she had left the company and custody of her husband on 14.02.2021 and continued to reside with the petitioner herein till she was apprehended in June, 2021. It is contended that both the petitioner and the prosecutrix remained together at several places and all allegations that she had been kept confined in custody and threatened with revolver are patently untrue. It is further contended that the matter has already been investigated and the challan stands presented and therefore, the petitioner would not be in a position to influence the

investigation, apart from contending that the prosecutrix being a major and mother of two children is capable of looking after herself and would not be threatened or influenced by him in any manner whatsoever.

Learned counsel appearing on behalf of the respondent-State opposes grant of regular bail to the petitioner by contending that the allegations levelled in the FIR are serious in nature, however, he does not dispute the fact that the matter has been investigated and the challan stands presented.

I have heard learned counsel for the parties and have perused the paper book. Keeping in view the fact that the investigation has been completed and the challan stands presented and the fact that the trial is likely to take some time to conclude, no useful purpose would be served in keeping the petitioner behind bars. The instant petition is allowed and the petitioner is directed to be released on regular bail on his execution of personal/surety bonds of ₹1 lakh each to the satisfaction of concerned trial court/Duty Magistrate. The petitioner herein would make no attempt to contact the prosecutrix in any manner whatsoever and in case there is violation of any of the bail conditions, the respondent-State would be at liberty to move an appropriate application for cancellation of bail granted to the petitioner. However, any observation made herein shall not be construed to be an expression on merits of the case.

(JAISHREE THAKUR)
JUDGE

October 28, 2021
Pankaj*

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No