

108.

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

CRM-M-44347-2020

Date of Decision: 22.09.2021

(Heard through VC)

GURMAIL SINGH

.... Petitioner

Versus

STATE OF PUNJAB

.... Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Narinder S. Lucky, Advocate, for the petitioner.

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

Ms. Maninder Kaur, complainant in person.

JAISHREE THAKUR.J (Oral)

This is a petition that has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner, pending trial, in case FIR No.152, dated 22.10.2020, registered under Sections 354, 354-A of IPC, at Police Station Dhanaula, District Barnala.

Learned counsel for the petitioner would submit that the petitioner was allowed interim bail till 03.09.2021 and thereafter he surrendered, in terms of the order dated 14.09.2021, on 17.09.2021. It is contended that the petitioner herein is a cancer patient and that is why, he was allowed interim bail. It is argued that the petitioner herein has been falsely implicated in the said matter and challan has been presented and, therefore, the possibility of him influencing the investigation would not arise.

At this stage, appearance has been caused by the complainant herself through the medium of video conferencing, who opposes the grant of regular bail by contending that when the petitioner herein was on interim bail, he misused the concession and had assaulted her. In fact, in this regard she had already filed a complaint, dated 03.09.2021.

On the asking of the Court, learned State counsel would inform that though a complaint has been received in the office pertaining to an assault by the petitioner herein upon the complainant on 02.09.2021, there was no medical in support of said complaint. Moreover, the matter had been investigated and the contentions of assault on 02.09.2021 have been found to be false whereas the complainant would submit that she was never called in the proceedings.

Since there is an inquiry report available which does not support the contentions raised by the complainant, this Court finds no ground to deny regular bail to the petitioner.

Accordingly, the instant petition is allowed and the petitioner is directed to be released on regular bail on execution of personal bond in a sum of ₹1 lakh with one surety of the like amount to the satisfaction of concerned trial Court/Duty Magistrate.

However, any observation made herein shall not be construed to be an expression of opinion on merits of the case.

(JAISHREE THAKUR)
JUDGE

22.09.2021
sanjeev

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