

CRM-M-2525 of 2022

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

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CRM-M-2525 of 2022 (O&M)

Date of decision:29.03.2022

Puneet Kumar

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Amarjit Singh Virk, Advocate
for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab.

SUVIR SEHGAL, J. (Oral)

CRM No.3113 of 2022

Prayer in the application is for grant of interim bail to the applicant-petitioner on account of precarious medical condition of his wife.

Affidavit of Deputy Superintendent of Police, Sub-Division City, District Hoshiarpur, has been filed on behalf of the respondent-State, which is taken on record.

At this stage, counsel for the applicant-petitioner does not presss the application.

Dismissed as not pressed.

CRM-M-2525 of 2022

Instant petition has been filed under Section 439 Cr.P.C seeking grant of regular bail to the petitioner in case FIR No.233 dated 05.11.2021 registered under Sections 323, 354, 354B, 506, 34 of Indian Penal Code, 1860 at Police Station City Hoshiarpur, District Hoshiarpur (Annexure P-1).

As per the case of the prosecution, FIR (Annexure P-1) has been registered on the basis of complaint of a married lady forwarded by the Punjab State Women Commission on the allegation that Puneet Kumar (present petitioner) alongwith 5-6 unidentified persons, who were armed with deadly weapons, abused her, forcibly entered her shop, assaulted her, outraged her modesty, tried to unrobe her and forcibly got a writing from her on a paper.

Counsel for the petitioner submits that there is a business dispute between the petitioner and the husband of the complainant which was settled by virtue of compromise (Annexures P-2 and P-3). In particular, reference has also been made by counsel to the compromise (Annexure P-4) executed by the complainant on 21.11.2020 (on a stamp paper purchased a day earlier) to submit that after entering into settlement, the petitioner lodged FIR on the basis of false allegations. He submits that FIR is a counter blast to the earlier FIR lodged by the petitioner on 07.12.2020, at Police Station Chintpurni, District Una (HP) on the allegation that the complainant's husband has raped petitioner's wife. An argument has been raised that the alleged incident took place on 20.11.2020, whereas, the complaint has been moved on 30.12.2020 to the Punjab State Women Commission and there is no explanation of delay of 40 days. Counsel for the petitioner has also referred to the medical record of his wife, Sarabjit Kaur to submit that she has suicidal tendencies and the doctors have advised that she should not be left alone. Counsel submits that the petitioner, who is in custody since 22.12.2021 is no longer required for custodial interrogation as

the challan has been presented.

Per contra, State counsel, upon instructions from SI Paramjit Kaur, has opposed the petition and has submitted that the petitioner has been named in the FIR and there are specific allegations against him. On further instructions, he submits that final report under Section 173 Cr.P.C has been presented on 26.02.2022. On the basis of affidavit filed by the DSP, District Hoshiarpur, he has affirmed the fact that wife of the petitioner is a psychiatric patient and is undergoing treatment at PGIMER, Chandigarh.

Having considered the submissions made by counsel for the parties and keeping in view the background, nature of allegations, the period of incarceration and medical condition of petitioner's wife, this Court is of the view that petitioner is entitled to be released on bail as the trial is yet to start.

Without examining the arguments raised by counsel for the parties, the petition is allowed and the petitioner is ordered to be released on bail on furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

It is clarified that any observation made hereinabove shall not be construed to be an expression of opinion on the merits of the case.

March 29, 2022
savita

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes