

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

**CRM-M-7830-2022**

**Date of Decision: 28.02.2022**

**BHOLA SINGH**

**... PETITIONER**

**VS.**

**STATE OF PUNJAB**

**.. RESPONDENT**

**CORAM: HON'BLE MR. JUSTICE VIVEK PURI**

Present : Mr.Harsh Chopra , Advocate  
for the petitioner.

Ms. Ruchika Sabherwal, AAG, Punjab.

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**VIVEK PURI, J.(ORAL)**

Through instant petition, the petitioner is seeking regular bail in case bearing FIR No. 90 dated 05.10.2012 under Sections 354 and 452 IPC registered at Police Station Phase No.8, District Mohali.

Briefly, the FIR has been registered on the basis of statement of the complainant alleging that on 28.09.2012, the petitioner had entered the premises and outraged the her modesty.

Learned counsel for the petitioner contends that at the earlier instance, the petitioner was granted anticipatory bail by the Court of learned Additional Sessions Judge, Mohali. He further contends that the petitioner had been appearing in the trial Court and he had absented from proceedings on 28.01.2016. Subsequently, the petitioner was declared a proclaimed person on 09.05.2016. The arrest of the petitioner was effected on 11.12.2021. The reason assigned for non-appearance of the petitioner is to the effect that the wife of the petitioner was having serious health issues. The petitioner remained engaged in providing appropriate medical treatment to her at various medical institutions including PGIMER, Chandigarh, Fortis Hospital and IVY Hospital, Mohali, but ultimately, his wife passed

away in the year 2017. The petitioner is aged about 68 years and the FIR has been registered on account of the rent proceedings initiated by the petitioner being land-lord against the complainant.

Learned State counsel has opposed the bail application on the score that the petitioner had evaded the process of law and there is likelihood that he may flee from justice. She has also placed on record the custody certificate.

It may be mentioned here that the petitioner is in custody for a period of 2½ months and has undergone sufficient incarceration for the lapse on his part on account of absenting from the proceedings in the trial Court. At the time of registration of FIR, the rent dispute between the petitioner and the complainant was pending and furthermore, he is aged about 68 years.

As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner. Accordingly, the present petition is allowed and petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Illaq Magistrate/Duty Magistrate.

**28.02.2022**  
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**(VIVEK PURI)**  
**JUDGE**

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