

220 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-9980-2022

Date of Decision: 26.04.2022

IQBAL SINGH

... PETITIONER

VS.

STATE OF PUNJAB

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Jimmy Singla, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, AAG, Punjab.

VIVEK PURI, J.(ORAL)

The petitioner is seeking regular bail in case bearing FIR No. 0294 dated 20.11.2020 under Sections 377 and 506 IPC registered at Police Station Lehra, District Sangrur.

Custody certificate has been placed on record.

Briefly, the FIR has been registered on the allegations that the petitioner had been committing unnatural sex with the complainant.

Learned counsel for the petitioner contends that the FIR has been registered on account of matrimonial dispute between the petitioner and the complainant. The marriage was solemnized about 17 years ago and two children, who are presently aged about 15 and 12 years, were born from the wedlock. The petitioner is in custody for a period of 01 year and 05 months and is not involved in any other case. Furthermore, out of 23 witnesses, none of the witness has been examined so far.

Learned State counsel has opposed the bail application on the score that there are serious allegations levelled against the petitioner.

It is significant to note that the complainant is the wife of the petitioner. There are allegations with regard to commission of unnatural sex. However, the petitioner is in custody for a period of 01 year and 05 months and till date, no witness has been examined. The petitioner and complainant are having two children from the wedlock. The investigation of the case is complete and the conclusion of trial is likely to some time.

Keeping in view the period of incarceration and other circumstances appearing in the instant case, sufficient reasonable grounds are made out to extend the concession of bail to the petitioner. Accordingly, without making any observation on the merits of the case, 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.

26.04.2022

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(VIVEK PURI)**JUDGE**

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No