

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

CRM-M-9493-2022 (O&M)

Date of decision: 25.08.2022

Mandeep Singh @ Mani

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Prateek Pandit, Advocate for the petitioner.

Mr. Adhiraj Singh, AAG Punjab.

Mr. Vishal Sharma, Advocate for
Mr. Ravi Chadha, Advocate for the complainant.

HARNARESH SINGH GILL, J. (ORAL)

The petitioner has filed this third petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 18 dated 09.02.2021, registered under Sections 452, 354-A, 354-B, 354-D, 509, 506 IPC, (Sections 354-A and 354-D IPC were added later on), at Police Station Tanda, District Hoshiarpur.

Short reply by way of affidavit dated 25.07.2022 of the Deputy Superintendent of Police Sub-Division Tanda, District Hoshiarpur, already filed in the Registry, is taken on record.

Learned counsel for the petitioner submits that the petitioner is a 26 years old boy and there was a relationship between the petitioner and the prosecutrix; that all the offences are triable by the Magistrate and carry the maximum sentence of 7 years but in view of the provision of Section 29

Cr.P.C., a Judicial Magistrate 1st Class, can pass a maximum sentence of three years and the petitioner has been in custody since 10.02.2021 i.e. more than one year and six months; that the marriage of the prosecutrix was solemnised on 14.02.2021 and that the petitioner is not in a position to disturb the matrimonial life of the prosecutrix. Learned counsel for the petitioner also undertakes that the petitioner would not interfere in the matrimonial life of the prosecutrix and prays to grant the concession of regular bail to the petitioner.

Learned State counsel and learned counsel for the complainant, while opposing the prayer for bail to the petitioner, submit that the allegations against the petitioner are serious in nature and the prosecutrix, the niece of the complainant, is now married and if the petitioner is released on bail, he can disturb the matrimonial life of the prosecutrix and prays that some strict condition be laid down so that the matrimonial life of the prosecutrix is not disturbed by the petitioner. The prosecutrix in her statement has also stated that her relationship with the petitioner is not in the knowledge of her in-laws. However, the learned State counsel does not dispute the custody period of the petitioner and submits that two prosecution witnesses i.e. the complainant and prosecutrix have been examined.

I have heard the learned counsel for the parties.

The petitioner is a young boy of 26 years and has been in custody since 10.02.2021. The prosecutrix is now married. The remaining prosecution witnesses are yet to be examined. Therefore, the conclusion of the trial would take time. Hence, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate, subject to the condition that he will not interfere in the matrimonial life of the prosecutrix.

The prosecution and the complainant would be at liberty to file the cancellation of bail, in case, the petitioner is found to be involved in any activity of disturbing the matrimonial life of the prosecutrix.

(HARNARESH SINGH GILL)
JUDGE

25.08.2022
Mangal Singh

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No