

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

212-II

**Criminal Misc. No. M-9017 of 2023**

**Date of decision :-31.08.2023**

**Gollu Singh**

**.....Petitioner**

**Versus**

**State of Punjab**

**.....Respondent**

**CORAM:- HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Amitoj Singh, Advocate for  
Mr. Aminder Singh, Advocate  
for the petitioner.

Mr. Jaswinder Singh Arora, DAG, Punjab  
Assisted by ASI Nazar Singh.

**NIDHI GUPTA J. (Oral)**

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner during pendency of the trial in case FIR No.26 dated 12.2.2022, under Sections 323, 341, 354, 376, 511 and 506 IPC (Sections 354-A and 354-B IPC added later on), registered at Police Station Lehra, District Sangrur.

As per allegations in the FIR, on 08.02.2022, the complainant, who works as a Sweeper in Government School Girdiyani, was returning to her house at around 2 PM, then the petitioner alongwith two unknown persons tried to hit her with a stick. When the complainant tried to run away, one of the persons took off her chunni and then petitioner hugged her but in between the complainant fell down and petitioner tried to touch her private parts

(chest). On raising noise by the complainant, the petitioner and other persons ran away from the spot.

Learned counsel for the petitioner *inter alia* submits that only vague and unsubstantiated allegations have been made against the petitioner in the present case. It is stated that all the prosecution witnesses/material witnesses stand examined and the trial will take some time to conclude as defence evidence is yet to be recorded. Learned counsel submits that even in the challan and as per statement of the complainant, no offence under Section 376 IPC is made out. He submits that the present FIR emanates because of an earlier dispute between the parties. He submits that the petitioner is behind bars since 17.2.2022 and in view of the aforesaid developments in the trial, no useful purpose will be served by keeping the petitioner behind bars.

Learned State counsel has filed the custody certificate dated 28.8.2023 in Court today. The same is taken on record. Copy thereof is supplied to the counsel opposite. As per the custody certificate, the petitioner is in custody since 01 year, 06 months and 11 days and is not involved in any other criminal case. Learned State counsel submits that all the prosecution witnesses have been examined and in her testimony, the complainant/victim has supported the prosecution case. He submits that the defence evidence, if any, is yet to be started. Learned State counsel opposed the bail application on the ground that a crime of serious nature has been committed.

I have heard learned counsel for the parties and gone through the case file carefully.

After hearing learned counsel for the parties and in view of the aforementioned facts, this Court finds that the trial of the case is likely to consume considerable time, the defence evidence is yet to be recorded and keeping in view the period undergone in custody by the petitioner and the fact that the petitioner is not involved in any other criminal case, his further custody may not be justified. Therefore, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner-Gollu Singh s/o Bant Singh be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

The petition is allowed.

August 31, 2023  
Vijay Asija

( **NIDHI GUPTA** )  
**JUDGE**

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