

CRM-M-14985-2023 (O&M)

1

217

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-14985-2023 (O&M)
Reserved on : 11.09.2023
Date of decision : 12.09.2023

Dimple Kumar ... Petitioner(s)

Versus

State of Punjab ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Ms. Ameesha Goel, Advocate for the petitioner.
Mr. M.S. Tiwana, AAG Punjab.

ALKA SARIN, J.

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.0015 dated 11.03.2022 under Sections 323, 354-B, 427, 452, 148, 149 of the Indian Penal Code, 1860 (Sections 376, 511 and 324 IPC added later on) registered at Police Station Begowal, District Kapurthala.
2. Learned counsel for the petitioner would contend that the petitioner has falsely been implicated in the present case. It is further the contention that the statement of the complainant has since been recorded as PW-1 wherein the complainant has not supported the prosecution version. It

has also been stated by the complainant in her cross-examination that her statement under Section 164 CrPC was got recorded under pressure of the police officials and was a tutored version. Learned counsel has further contended that the petitioner has been in custody for a period of 01 year 06 months and 01 day.

3. Learned counsel for the State has filed the status report by way of affidavit of Sh. Sukhninder Singh, PPS, Deputy Superintendent of Police, Sub Division Bholath, Kapurthala and has also filed the custody certificate and as per the custody certificate the petitioner has been in custody for a period of 01 year 06 months and 01 day. Learned State counsel, on instructions from ASI Beant Singh, is not in a position to deny the fact that the complainant has not supported the version of the prosecution and that she has stated that she had never got any statement recorded against the petitioner.

4. Heard.

5. In the present case the FIR was got registered on the basis of the statement made by the complainant. In the FIR the allegations against the petitioner were that the petitioner had teased her and had touched her breast and also tore her clothes due to which the complainant got scratches on the upper part of the breast and left arms. In the statement recorded in Court, while appearing as PW-1, the complainant has stated that she had never got any statement recorded before the police against the petitioner herein. As per the custody certificate, the petitioner has been in custody for a period of 01 year 06 months and 01 day. The trial is likely to take some time to conclude

and no useful purpose would be served by keeping the petitioner behind the bars any further.

6. In view of the above and without commenting upon the merits of the case, this Court deems it to be a fit case to grant the concession of regular bail to the petitioner. The petitioner is directed to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Additional Sessions Judge (Duty) concerned.

7. However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioner is found to be misusing the concession of bail in any manner.

8. It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

9. Disposed off. Pending applications, if any, also stand disposed off.

12.09.2023
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO