

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-18353-2023 (O&M)
Date of decision : 16.08.2023

Gurdev Singh ... Petitioner(s)

Versus

State of Punjab ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. J.S. Gill, Advocate for the petitioner.

Mr. M.S. Tiwana, AAG Punjab.

Mr. Manish Verma, Advocate for the complainant.

ALKA SARIN, J. (ORAL)

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.0292 dated 07.12.2022 under Sections 376, 506 of the Indian Penal Code, 1860 registered at Police Station Sidhwan Bet, District Ludhiana (Annexure P-1).
2. Learned counsel for the petitioner would contend that the allegations in the present case relate way back to 07.04.2018 when the petitioner is stated to have forcibly picked up the complainant and made physical relationships with her. Learned counsel would further contend that the FIR itself was registered on 07.12.2022. It is further the contention that

the petitioner has falsely been implicated in the present case only to extract money out of him. Earlier also, on two occasions, complaints were filed against the petitioner which were found to be false and was found to be only an attempt to extract money out of the petitioner. Learned counsel would further contend that the petitioner is now a 75 years' old man and is a patient of Chronic Artery Disease, Type-II Diabetes Mellitus with Hypertension and is a post-operative case of Coronary Artery Bypass Graft (CABG). Learned counsel would further contend that the allegations itself seem totally improbable as it would not be possible for a 70 years' old man to lift a 37 years' old woman forcibly and make physical relationships with her. It is further the contention that the petitioner has been in custody for a period of 08 months and 09 days and that there is no other case pending against him.

3. Learned counsel for the State has filed the custody certificate and as per the custody certificate, the petitioner has been in custody for a period of 08 months and 09 days. Learned State counsel is not in a position to deny the fact that there is no other case pending against the petitioner.

4. Learned counsel for the complainant has contended that if the petitioner is enlarged on bail, there is every chance of the petitioner fleeing to Canada and hence his passport be impounded.

5. Heard.

6. In the present case the petitioner is a 75 years' old man and is a patient of Chronic Artery Disease, Type-II Diabetes Mellitus with Hypertension and is a post-operative case of Coronary Artery Bypass Graft (CABG) and he has been in custody for a period of 08 months and 09 days.

The allegations in the FIR pertained to the year 2018 and the FIR itself was lodged in the year 2022. The complainant in the present case is a 37 years' old married lady who had on two earlier occasions also filed complaints against the petitioner which were found to be false. 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.

7. 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. Additionally, the Trial Court shall impose a condition that the petitioner shall not leave the Country without prior permission of the Court.

8. 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.

9. 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.

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

16.08.2023
Yogesh Sharma

(ALKA SARIN)
JUDGE

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