

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Sr. No.: 215

Criminal Miscellaneous No.M-17435 of 2023

Date of Decision: May 08, 2023

Gurwinder Singh @ Gora

..... PETITIONER(S)

VERSUS

State of Punjab

..... RESPONDENT(S)

...

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

...

PRESENT: - Mr. Lupil Gupta, Advocate for the petitioner.

Mr. Harpreet Singh, Addl. AG, Punjab.

. . .

Tribhuvan Dahiya, J (Oral)

This is a petition for grant of regular bail to the petitioner in case FIR No.201 dated 07.09.2021, registered under Sections 452, 354, 379-B, 506, 323, 34 IPC, at Police Station City-1, Abohar, District Fazilka.

2. The FIR has been lodged on a statement by prosecutrix, aged about 42 years, *inter alia* alleging that she was alone at home on 22.08.2021, when the petitioner with co-accused came inside and extended threats to her as she had an earlier altercation with them. Co-accused Sudhir and Amandeep Singh alias Deepa threw her on the ground and tore her clothes. They also threatened to make and upload her videos and spoil her reputation. She raised alarm, and they started giving her beatings. The petitioner along with co-accused Sunny gave her kick blows. All the four co-accused started extending threats to outrage her modesty. She raised alarm, and her son came on the spot, when co-accused Sudhir and Sunny while leaving caught hold of him and gave him severe beatings with bamboo/*dang* blows. The petitioner and Deepa gave severe beatings to him and kicks on his stomach.

3. Learned counsel for the petitioner contends that the incident is dated 22.08.2021, and the complaint was lodged four days thereafter by concocting a false story. Only on account of disputes between the petitioners

and the complainant family, this false FIR has been lodged, and the fact of earlier altercation between them has been mentioned by the complainant in the FIR itself. The allegations against the petitioner are only of giving beatings to the complainant. Investigation of the case is complete and the petitioner is not required by the Investigating Agency. He also contends that co-accused Amandeep Singh alias Deepa has already been admitted to bail by this Court vide order dated 03.05.2023 passed in CRM-M-15165-2023.

4. Learned State counsel, on instructions from ASI Sukhwinder Singh, opposes the grant of bail on the ground that charges in the case are yet to be framed, though investigation is complete. He also submits that as per the MLR on the injuries allegedly inflicted on the complainant and her son, are simple in nature. The petitioner is in custody since 07.09.2021, and no other case is pending against him. There are fourteen prosecution witnesses to be examined.

5. The arguments addressed by learned counsel for the parties have been considered.

6. The petitioner is in custody for over one and half years, and trial has not progressed. Investigation of the case is complete and nothing is to be recovered from the petitioner. He has no criminal antecedents. No useful purpose will be served by confining him to custody any longer.

7. Accordingly, the petition is allowed and the petitioner is ordered to be released on bail to the satisfaction of trial Court/Duty Magistrate concerned.

(Tribhuvan Dahiya)
Judge

May 08, 2023
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Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No