

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

234

CRM-M-19339-2023

Date of Decision: 25.05.2023

Sawinder Singh @ Goldi @ Goldy

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Kushagra Mahajan, Advocate for the petitioner

Mr. Shiva Khurmi, AAG, Punjab
(assisted by ASI Baldev Raj)Mr. Harmanpreet Singh, Advocate for the complainant
*****JAGMOHAN BANSAL, J. (ORAL)**

1. The petitioner, through instant petition under Section 439 of Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') is seeking concession of regular bail in FIR No.159 dated 13.09.2022 under Sections 354 & 354-A of Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station Majitha, District Amritsar.

2. The case of prosecution is that prosecutrix on 13.09.2022 lodged a complaint with police alleging that she is working as a Nurse in Government Hospital and the petitioner who is an ex-councillor is having his residence in front of the hospital. He tried to stop her many times and on 9.8.2022 while she was on night duty, he came at 8.30 p.m. pretending to get his blood pressure checked up and when she tried to check his BP, the petitioner misbehaved with her, caught hold her and

tried to remove her *dupatta*. She raised alarm and petitioner fled from the hospital.

3. Learned counsel for the petitioner *inter alia* contends that petitioner is in custody since 24.03.2023 and he is not involved in any other crime. Challan has already been presented and maximum sentence prescribed under Sections 354/354-A IPC is 5 years. No recovery is to be effected from the petitioner. The offence is triable by Magistrate. The petitioner has been wrongly implicated in the commission of alleged offence. The petitioner is permanent resident of District Amritsar. The petitioner has deep roots in the society. There is no possibility of flee from justice.

4. Custody certificate dated 24.05.2023 is taken on record. As per custody certificate, the petitioner is in custody since 24.03.2023 and he is not involved in any other offence.

5. Learned State counsel and learned counsel for the complainant submit that police report has already been filed and charges are yet to be framed. They further submit that there are 9 prosecution witnesses. This Court has not granted anticipatory bail to the petitioner.

6. The petitioner is in custody since 24.03.2023 and he is not involved in any other offence. Police report under Section 173 of Cr.P.C. stands filed and charges are yet to be framed. The alleged offence is triable by Magistrate and maximum prescribed sentence is 5 years. No recovery is to be effected from the petitioner. The petitioner is resident

of Amritsar. The Trial Court yet has to return definite findings on the disputed issues. There are 9 prosecution witnesses, thus, there is abysmally low possibility of conclusion of trial in near future.

7. In view of afore-stated facts and circumstances, this Court is of the considered opinion that present petition deserves to be allowed and accordingly allowed. The petitioner is ordered to be released on bail subject to conditions as may be imposed by Trial Court/Illaq/Duty Magistrate concerned.

8. If the petitioner or his family members/associates make any attempt to threat/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted by this order.

9. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and Trial Court shall proceed without being prejudiced by observations of this Court.

(JAGMOHAN BANSAL)
JUDGE

25.05.2023
Mohit Kumar

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>