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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-41551-2023 (O&M)
Date of decision : 12.09.2023

Jaskaran @ Jassa ... Petitioner(s)

Versus

State of Punjab ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Harkirat Singh Bhogal, Advocate for the petitioner.

Mr. M.S. Tiwana, AAG Punjab.

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.52 dated 02.05.2023 under Sections 363 and 366 of the Indian Penal Code, 1860 registered at Police Station Nawanshahar, District SBS Nagar.
2. Learned counsel for the petitioner would contend that in the present case the victim in her statement recorded under Section 164 CrPC has specifically stated that she had left the house on her own accord due to some tension in the house and had stayed in a Gurudwara at Patiala and that the petitioner was not accompanying her. Learned counsel would further contend that the petitioner has been in custody for a period of 04 months and

10 days and that he has absolutely clean antecedents. Learned counsel has further pointed out that the victim in the present case has refused to get her medical examination conducted.

3. Notice of motion.

4. On the asking of the Court, Mr. M.S. Tiwana, AAG Punjab accepts notice on behalf of the respondent-State. Learned State counsel on instructions from ASI Satnam Singh has stated that the victim in her statement recorded under Section 164 CrPC has not supported the case of the prosecution and has infact stated that she had left her house on her own accord. Learned State counsel is also not in a position to deny the fact that the victim had refused to get her medical examination conducted. Learned counsel for the State has also filed the custody certificate and as per the custody certificate the petitioner has been in custody for a period of 04 months and 10 days and that there is no other case pending against the petitioner.

5. Heard.

6. In the present case the petitioner has been in custody for a period of 04 months and 10 days and there is no other case pending against the petitioner. The victim in her statement recorded under Section 164 CrPC has not supported the case of the prosecution and she has infact stated that she had left her house on her own accord and that the petitioner was not accompanying her. The victim has also refused to get her medical examination conducted. 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.

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.

12.09.2023

Yogesh Sharma

(ALKA SARIN)

JUDGE

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