

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

(215)

CRM-M-46024-2022.  
Date of Decision:-22.02.2023.

Gurlal Singh

.....Petitioner

Versus

State of Punjab

.....Respondents

**CORAM: HON'BLE MR. JUSTICE ALOK JAIN**

\*\*\*\*

Present: Ms. G.K. Mann, Senior Advocate with  
Ms. Simrat Kaur, Advocate for the petitioner.

Mr. Sarabjit Singh Cheema, DAG, Punjab assisted by  
ASI Kewal Singh.

Mr. Vishnu Dutt, Advocate for  
Mr. Naveen Bawa, Advocate for the complainant.

\*\*\*\*

**ALOK JAIN, J. (Oral)**

The present petition is for grant of regular bail to the petitioner in case FIR No.0118 dated 17.06.2022 under Sections 376/450 of IPC, registered at Police Station Ajnala, District Amritsar Rural.

Custody certificate filed by the learned State counsel is taken on record.

Learned Senior counsel for the petitioner has submitted that the testimony of the complainant/prosecutrix has been done and the petitioner is in custody for the last 07 months and 10 days, as per the custody certificate submitted by the learned State counsel. She further submits that there is an inordinate delay of six months in lodging the FIR

CRM-M-46024-2022

and, moreso, even as per the averments in the FIR, the photographs which are alleged to be objectionable were uploaded by the complainant herself on the status of her whatsapp, which are alleged to have been used to blackmail the complainant. She further submits that it is highly improbable that if such an offence could have taken place and the husband of the prosecutrix had been there, at least there could have been a scuffle, *iota* of which has also not come into forth. She further submits that initially two inquiries were held, wherein, nothing substantial came out against the petitioner.

Learned State counsel, assisted by the counsel for the complainant, has vehemently opposed the grant of bail to the petitioner, however, he has submitted that 02 out of 16 witnesses have been examined and another 05 witnesses have been summoned for 27.02.2023, i.e., the next date of hearing. On a specific query put by this Court as to whether the material witnesses have been examined, the learned State counsel has submitted that the prosecutrix/complainant have been examined.

Learned counsel for the complainant has further vehemently opposed the bail and submitted that delay of lodging in FIR cannot be detrimental to the offence committed by the petitioner, however, on a specific query as to what was the changed circumstances in six months that the FIR was lodged, he could not explain the same.

Without going into the merits of the case and without expressing any opinion on the same, as the petitioner is languishing in jail for the last 07 months and 10 days coupled with the fact that the material witnesses have been examined and the trial is likely to take some time and,

CRM-M-46024-2022

thus, no useful purpose would be served by keeping the petitioner behind the bars, the petitioner has made out a case for grant of concession of regular bail.

In view of the above, without commenting upon the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and two surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned. He shall, however, be released on the following conditions:

1. The petitioner shall declare his ordinary place of residence and the mobile number used by him.
2. He will not switch off his mobile and in case of any technical glitch, he has to give an alternate number, which will be available in his absence.
3. He will mark his presence before the SHO concerned, after every 15 days and in case the SHO refuses to mark his presence, he is permitted to make an application before the Illaqa Magistrate, concerned.
4. He will not leave the country without the prior permission of the Court, for which he will submit the copy of his passport also.

The petitioner shall abide by the terms and conditions as imposed in addition to Section 439 of Cr.P.C.

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case.

**(ALOK JAIN)**  
**JUDGE**

**February 22, 2023.**

Sandeep

Whether speaking/reasoned:- Yes/No

Whether Reportable:- Yes/No