

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

211

Criminal Misc. No. M-50606 of 2023

Date of decision :-12.10.2023

Ramanjit Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM:- HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Amit Arora, Advocate
for the petitioner.

Mr. Jaswinder Singh Arora, DAG, Punjab
assisted by ASI Daljit Singh.

NIDHI GUPTA J. (Oral)

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner during pendency of the trial in case FIR No.123 dated 14.7.2023, under Sections 377, 498-A, 406, 511, 34 IPC, registered at Police Station Sadar Patti, District Tarn Taran.

The FIR was recorded on the statement of complainant-wife of the petitioner. The abstract of the FIR, recorded by the learned trial Court in para 4 of its order dated 20.09.2023, reads as under :-

“The present FIR was registered on the statement of complainant Amandeep Kaur w/o Ramanjit Singh. The allegations put-forth by the

complainant against Ramanjit Singh, husband, Gurmeet Kaur, Sukho and Bakshish Singh and mediators namely Shabo and Ajmer Singh are that she was constantly harassed and tortured by her in laws and dowry demands were raised. It has also been alleged by her that at the time of marriage, her parents had given sufficient dowry articles to her in laws family. After marriage, the complainant started residing in her matrimonial home but her mother in law and sister in law started taunting her for having brought insufficient dowry. The in laws family also demanded bullet motorcycle from her parents. Thereafter, her in laws turned her out from her matrimonial home after giving beatings. On the basis of this statement, the FIR was registered against the accused. During inquiry, the complainant stated before the police that Ramanjit Singh forced her for unnatural sex and made objectionable videos of complainant without her consent.”

Learned counsel for the petitioner *inter alia* submits that the petitioner was married to the complainant in the month of June 2022. No child was born out of the said wedlock. It is stated that the allegations made in the FIR are vague, unsubstantiated as also utterly false and fabricated as the complainant left the matrimonial home on her own accord within six months of the marriage. It is submitted that the present FIR has been registered on the basis of complaint dated 26.12.2022 filed by the complainant and there are no specific allegations of dowry made therein. It is submitted that the offences under Sections 377 and 511 IPC have been added only during inquiry conducted by the investigating agency. Learned counsel further

submits that the co-accused, who are mother-in-law and father-in-law of the complainant, have already been granted concession of anticipatory bail by the learned Sessions Court vide orders dated 10.08.2023 and 02.09.2023 respectively.

Learned State counsel has filed the custody certificate dated 11.10.2023 in Court today. The same is taken on record. Copy thereof is supplied to the counsel opposite. As per the said custody certificate, the petitioner has been in custody as undertrial for a period of 02 months and 22 days. Learned State counsel opposes the prayer for grant of regular bail to the petitioner on the ground that serious allegations have been levelled against him. Learned State counsel informs that the challan is yet to be presented before the learned trial Court in the matter.

I have heard learned counsel for the parties and gone through the case file carefully.

Without commenting on the merits of the case, however, keeping in view the totality of facts and circumstances of the case, including the fact that the trial of the case is likely to consume considerable time as the challan has not been presented before the trial Court so far; and keeping in view the custodial period of the petitioner; and perusal of custody certificate shows that there is no other case pending against him, his further custody may not be justified. Therefore, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner-Ramanjit Singh s/o Bakshish Singh be released on regular bail subject to his

furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

The petition is allowed.

October 12, 2023
Vijay Asija

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned Yes / No
Whether Reportable Yes / No