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

CRM-M-59279-2022 (O&M)

Date of Decision: February 28, 2023

BALWINDER SINGH ALIAS MITHU LADDA

..... Petitioner

Versus

STATE OF PUNJAB

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Kulbhushan Raheja, Advocate for the petitioner.

Mr. Tarun Aggarwal, Sr. D.A.G. Punjab.

Mr. Sanjeev Sharma, Advocate for the complainant.

HARKESH MANUJA, J. (ORAL)

CRM-9715-2023

Notice of application to non-applicants/respondent.

Mr. Kulbhushan Raheja, Advocate accepts notice on behalf of petitioner. In view of the averments made in the application, the prayer made herein is allowed. The documents Annexure P-2/5 and P-2/6 are taken on record subject to all just exceptions.

MAIN CASE

By way of present petition filed under Section 439 CrPC, prayer has been made for grant of regular bail pending trial in case FIR No.202 dated 01.10.2022 under Sections 377, 420, 406 IPC registered at Police Station Sadar Dhuri, District Sangrur.

As per allegations levelled in the FIR, the marriage between the petitioner and complainant took place on 22.06.2020 while they came

in contact with each other in 2019. It has been further alleged that upon marriage, the petitioner has been roaming around with the complainant and visiting various places at her expenses. Further, it has been alleged that even some amount was transferred from the account of complainant to account of petitioner besides having unnatural sex committed by the petitioner upon complainant.

Learned counsel for the petitioner submits that the investigation in the afore-mentioned case has already been concluded with the filing of challan on 24.11.2022 and the petitioner has suffered incarceration for a period of almost 5 months now. Learned counsel further submits that there are allegations of transfer of money from both sides and the truth will come out once the trial is concluded which is going to take sufficient time.

On the other hand Mr. Amit Shukla, AAG, Punjab along with Mr. Sanjeev Sharma appearing on behalf of the complainant vehemently opposes the prayer made in the present petition while submitting that the petitioner in fact misused the relationship between the parties. Having got married with the complainant and using her entire financial resources now she has been left high and dry by the petitioner. It has also been submitted that the petitioner in fact played with the emotions of the complainant.

I have heard learned counsel for the parties and have gone through the paper-book. I find substance in the submissions made by learned counsel for petitioner.

Once the investigation in the present case already stands concluded with the filing of challan and the petitioner has been suffering incarceration for a period of more than five months now, the trial is likely to take some time to conclude and the present FIR apparently is an off-shoot of a matrimonial dispute between petitioner and complainant. There are allegations and counter-allegations as regards money having transferred in the account inter se parties.

Without commenting upon merits of present petition, the same is allowed subject to furnishing of adequate bail bonds/surety bonds by the petitioner to the satisfaction of the trial Court/Ilqa Magistrate/Duty Magistrate.

28.02.2023
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(HARKESH MANUJA)
JUDGE

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