

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.2953 of 2024 (O&M)
Date of Decision: 01.05.2024

Sukhbir Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Vikramjit Singh, Advocate,
for the applicant-petitioner.

Mr. Satjot Singh, AAG, Punjab.
for the respondent-State.

MANISHA BATRA, J.(Oral)

CRM-2476-2024

Prayer in the application is for grant of leave under Rule 3-A(i) of Chapter 6, Part-B, Volume-V of Punjab and Haryana High Court Rules and order for exemption for filing.

Heard.

In view of the averments made in the application, the same is allowed as prayed for.

Main Case

1. The present petition has been filed under Section 439 of Cr.P.C. seeking regular bail in FIR mentioned below:-

FIR No.	Police Station	Sections
51	Civil Lines Batala, Tehsil Batala, District Gurdaspur	354, 458, 323, 324, 427, 148 and 149 of IPC

2. Brief facts relevant for the purpose of disposal of the present

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petition are that the aforementioned FIR was registered on 03.03.2023 on the basis of statement recorded by the complainant "S" (name withheld) alleging therein that on 17.02.2023 at about 9 PM, she along with her brother was going towards Gandhi Campt, Batala for taking milk when they were intercepted by the accused Sonu and Shera who came on a Swift car. They tried to pull her inside the car while holding her bangle (kara) forcibly and tried to outrage her modesty. She told her brother to call her son on his mobile phone who reached at the spot along with one Jang Bahadur and on seeing them, accused Sonu and Shera fled away from the spot. She reported the matter to the police by filing an application.

3. As per the further allegations, on the same night at about 12:30 AM, the present petitioner along with accused Shamsher Singh @ Shera, Parminder Singh @ Sonu and 15-20 unknown persons criminally trespassed into her house by scaling the wall of the same and opening the gate from inside. The petitioner proclaimed that the complainant should be caught and a lesson should be taught to her for moving application against them whereas the co-accused Shamsher Singh had caught her by neck and hit her by striking her against the wall. The accused Sonu gave her a blow with dattar whereas the petitioner also gave a blow with dattar from its blunt side thereby injuring her left thigh. She raised alarm on hearing which, her son and witness Akul reached at the spot but they too were assaulted by the accused persons and thereafter they left her house while extending threats to kill them. After registration of FIR, investigation proceedings were initiated. The present petitioner was arrested on 08.11.2023. Accused Parminder Singh was found innocent during investigation. Some co-accused were arrested. Recoveries of weapons used at the time of crime were effected.

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After completion of necessary investigation and usual formalities, challan was presented in the Court and presently, the petitioner along with the co-accused is facing trial for commission of the aforementioned offences.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody since 08.11.2023. His custodial interrogation is no more required. His further detention would not serve any useful purpose. Trial is likely to take time. Therefore, it is urged that he deserves to be extended benefit of bail.

4. Status report has been filed by the respondent-State and the same is taken on record. Learned State counsel has argued that there are specific and serious allegations against the petitioner. There is nothing on record to show that there would be any delay in conclusion of the trial which is fixed for producing prosecution evidence. There are chances of petitioner's intimidating the witnesses or absconding if extended benefit of bail. Therefore, it is argued that the petition does not deserve to be allowed.

5. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record carefully.

6. The petitioner is in custody since 08.11.2023. Investigation has since been completed. Challan has been presented in the Court and trial has commenced and is likely to take time. Subject offences are triable by Magistrate. It is well settled proposition of law that bail is the rule and jail is an exception. Keeping in view the nature of the allegations as levelled against the petitioner, the period of his incarceration and the surrounding facts and circumstances but without meaning to make any comment on the merits of the case, I am of the considered opinion that the petitioner deserves

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to be released on bail. Hence, the petition is allowed and the petitioner is ordered to be admitted to bail subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial Court.

01.05.2024
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No