

213 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-9971-2024
Date of decision: 4th April, 2024

Ram Singh @ Rama

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Manoj R. Sharma, Advocate for the petitioner.
Mr. A.S. Samra, AAG, Punjab.

MANISHA BATRA, J (ORAL):-

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

FIR No.	Date	Police Station	Sections
5	20.01.2024	Qadian, Police Distt. Batala, District Gurdaspur	354, 379-B, 506, 411, 34 of Indian Penal Code, 1860 (for short 'IPC')

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of statement recorded by complainant 'N' (name withheld) alleging therein that on 20.01.2024 at about 12:30 PM, she along with her husband was going on his motorcycle towards Noor Hospital, Qadian, when while on the way, they were intercepted by the present petitioner and the co-accused who were raising noises near their house and when she told them to not to do so and not to use abusive language, the petitioner and other accused started

extending threats to kill her husband. The petitioner even pulled the shawl worn by her and snatched the motorcycle of her husband. Then all of them fled away. After registration of the FIR, investigation proceedings were initiated. The petitioner was arrested on 20.01.2024. The co-accused were also arrested. Challan was presented in the Court and presently, the petitioner and other co-accused are facing trial for commission of offences punishable in the aforementioned Sections.

3. The present petition has been filed by the petitioner on the grounds and it has been argued by his counsel that he has been falsely implicated in this case. The co-accused have since been extended benefit of regular bail by the learned trial Court and on the ground of parity, he also deserves to be given same benefit which was denied by learned trial Court. The allegations as levelled in the FIR did not make out any case for commission of offences punishable under Sections 354 and 379-B of IPC by the petitioner. The trial is likely to take time. There are no chances of petitioner's absconding if extended benefit of bail. Hence, it is argued that the petition deserves to be allowed.

4. *Per contra*, learned State counsel has argued that the allegations against the petitioner are serious in nature. It cannot be stated that to be a case of parity with the co-accused who have been extended benefit of bail as allegations of trying to outrage the modesty of the complainant had been levelled against him only. There are chances of his intimidating the witnesses, if granted benefit of bail. Hence, it is urged 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 20.01.2024. Investigation has since been completed. The trial is likely to take time. In my considered opinion, further detention of the petitioner would not serve any useful purpose. The well settled proposition of law is that the bail is the rule and jail is an exception. Keeping in view the entire facts and circumstances of the case, I am of the considered opinion that the petition deserves to be allowed. Hence, the petition is allowed, the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.
7. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.
8. Since the main petition has been allowed, pending application if any is rendered infructuous.

[MANISHA BATRA]

JUDGE

4th April, 2024

Parveen Sharma

1. Whether speaking/ reasoned : Yes
2. Whether reportable : Yes