

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

CRM-M-18695 of 2023

DATE OF DECISION :- 29.01.2024

Yodha Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Amandeep Singh Manaise, Advocate for the petitioner.

Mr. Hemant Aggarwal, AAG, Punjab.

SUMEET GOEL, J. (Oral)

1. Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No. 395 dated 21.12.2022, registered for the offences punishable under Sections 417,494 IPC (Sections 376,506,323 IPC added later on and Section 417 IPC deleted) at Police Station Civil Lines Batala, District Gurdaspur.

2. Counsel for the petitioner submits that the petitioner is in custody since 22.01.2023; challan was presented after culmination of investigation and trial is underway & the victim has already been examined as a prosecution witness. Learned counsel for the petitioner has further argued that the case in hand is of false implication; the complainant/victim always knew that the petitioner was earlier married and was granted a Panchyati divorce in the year 2020 & the petitioner as also the complainant were in a consensual relationship and had even approached before this Court

for grant of protection by filing CRWP No. 3531 of 2022. Thus learned counsel pleaded for grant of regular bail to the petitioner.

3. Counsel for the State opposed the present petition arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of regular bail.

4. I have heard counsel for the parties and have gone through the available records of the case.

5. The petitioner was arrested on 22.01.2023 & as per the custody certificate he has suffered incarceration for a period of more than one year. The petitioner is not shown to be involved in any other case. The testimony of the victim already stands recorded during the course of trial. The rival contentions of the parties regarding complainant and the victim being in consensual relationship & her being aware of the petitioner earlier married will be gone into during the course of trial. This Court does not deem it appropriate to delve into these rival contentions at this stage.

6. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.

- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cellphone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaq Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

7. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

8. Ordered accordingly.

9. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

10. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

29.01.2024
P.Singh

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