

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

216

CRM-M No.41591 of 2023
Date of Decision: 10.01.2024

Vinod Kumar @ Lalla ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Rishu Mahajan, Advocate,
for the petitioner.

Mr. M.S. Nagra, AAG, Punjab,
for the respondent-State.

Mr. Ramnish Puri, Advocate,
for the complainant.

MANISHA BATRA, J.

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

FIR No.	Dated	Police Station	Sections
31	15.03.2022	Mohkampur, Amritsar	323, 325, 326, 354-D and 452 of 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 complaint filed by complainant Raman Chouhan alleging therein that the petitioner who was residing in the neighbourhood of his sister Punam had been harassing her from the last 8-9 months. The matter had been brought to the knowledge of the residents of the society who had tried to prevail good sense upon the petitioner but to no avail. It was alleged that

Neutral Citation No.2024:PHHC:003281

on 15.03.2022 at about 8:30 PM, the petitioner had again harassed his sister and a scuffle had taken place. The complainant on hearing about this had gone to the house of his sister where the petitioner had assaulted his sister with a datar, by entering inside her house and had also injured her husband Vishal Arora thereby causing injuries to them. They had raised alarm and then the petitioner had fled away. After registration of FIR, investigation proceedings were initiated. He was arrested on 26.04.2023. He had moved an application for bail before the Court of learned Additional Sessions Judge, Amritsar which was dismissed on 25.07.2023.

3. It was argued by learned counsel for the petitioner that he is in custody since 26.04.2023. The investigation has since been completed. Trial is likely to take time. The material witnesses stand examined. There are no chances of his intimidating the witnesses. The injury which was held to be grievous in nature was sustained on the thumb of the injured victim and not on any vital part of his body. No useful purpose would be served by keeping him in custody any more. Hence, it is argued that the petition deserves to be allowed.

4. Status report has been filed by the respondent-State and the same is taken on record. Learned State counsel as well as learned counsel for the complainant has argued that the petitioner had caused grievous injuries on the person of the victim as well as her husband and had also sexually harassed her after criminally trespassing into her house. The allegations against him were serious in nature. Hence, he has argued that the petition does not deserve to be allowed.

5. I have heard learned counsel for the parties and have perused

Neutral Citation No.2024:PHHC:003281

the record.

6. The petitioner is in custody since 26.04.2023. Investigation stands completed. Challan has been presented. Charges have been framed against the petitioner. Trial is likely to take time. The 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 attendant facts and circumstances but without meaning to make any comment on the merits of the case, I am of the opinion that the petitioner deserves to be given concession of bail at this stage. 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.

10.01.2024
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No