

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M No. 13133 of 2018 (O&M)

Date of decision : 7.5.2018

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Ravi

.....Petitioner

vs.

State of Haryana

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Dinesh Kumar Prajapati, Advocate
for the petitioner.

Mr. Neeraj Poswal, Assistant Advocate General,
Haryana.

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H. S. Madaan, J.

This petition for regular bail has been filed by petitioner – Ravi, an accused in FIR No. 145 dated 27.4.2017, for offences under Sections 323, 324, 120-B, 34, 201 IPC (Section 3 of SC/ST Act added later on), registered at Police Station KUK, District Kurukshetra.

Briefly stated, facts of the case as per prosecution story are that FIR was recorded on the statement of complainant Pooja daughter of Mahavir Singh belonging to Harijan community, resident of Didar Nagar, Narkatari Road, Kurukshetra aged about 18 years, which she made to the police, in which she stated that she has

appeared in 10+2 examination; that she has been on visiting terms with her friend Shalu (present petitioner No.1) daughter of Sunil Kumar residing in her neighbourhood; that Shalu would tell her that her friend Ravi (present petitioner) son of Roshan Lal, resident of Model Town, Pehowa wanted to have friendship with her but she refused that proposal; that about 10/12 days earlier Shalu has told her that she would send friendship request on the facebook and after that Ravi would also send such request; that though requests sent by both of them had come to her but she refused to accept the same and rather according to complainant, she had blocked number of Ravi; that on 27.4.2017 while she was going to take medicine and reached near 3rd gate, Shalu met her requesting her to give lift up to Brahmsarover; that accordingly the complainant allowed Shalu to pillion ride her scooter and both of them reached Brahmsarover, where the complainant parked her scooter; that they reached at Devyani Ghat, where they found Ravi standing there; that Shalu said to the complainant that she should have friendship with Ravi and Ravi tried to put wrist watch on her arm but the complainant refused, at which Ravi became angry, took out a knife from his trouser and gave a blow of knife on her neck with an intention to kill her; that when the complainant tried to raise alarm, then Shalu gagged her mouth; that thereafter Ravi gave blow of knife, which landed upon her right ear, shoulder and fingers; that the complainant managed to free herself and raised hue and cry; that on seeing several persons rushing to the spot, both the accused ran away from the place of incident. The complainant injured was taken to LNJP Hospital for treatment, where

she was medico legally examined and thereafter was referred to PGI, Chandigarh. However, she was taken to Aggarwal Hospital. On the basis of statement of complainant, formal FIR was registered. The accused was arrested in this case. He had moved an application for grant of regular bail, which was however, dismissed by Additional Sessions Judge, Kurukshetra, vide order dated 21.3.2018, as such he has approached this Court asking for similar relief, which is resisted by the State counsel.

I have heard, learned counsel for the petitioner, learned State counsel, besides going through the record.

The accused is stated to be in custody since 17.2.2018. Though challan against him is stated to have been filed, the charge framed against him is for offences under Sections 323, 324, read with Section 34 IPC, in addition to Section 201 IPC and Section 3 (1)(x) as well as Section 3 (2) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The trial is at initial stage. Its conclusion is likely to take some time. Further detention of the accused shall not serve any purpose. As such without saying anything on merits of the case, the petition is accepted and the petitioner is ordered to be released on bail subject to furnishing of surety bonds and personal bonds to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Kurukshetra, subject to the following conditions:-

- i) that the petitioner shall appear in the Court on each and every date of hearing;
- ii) that the petitioner shall not, directly or indirectly, make any

inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer; and

iii)that the petitioner shall not leave India without the prior permission of the Court and shall surrender his passport, if he has got one, otherwise to furnish affidavit in that regard.

In addition to this the trial Court may impose any term and condition found suitable to ensure that the petitioner does not abscond and interfere in the trial. In case the petitioner violates any term and condition on which the bail has been granted to him, this order shall be liable to be withdrawn.

7.5.2018
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(H.S. Madaan)
Judge

Whether speaking / reasoned Yes / No

Whether reportable Yes / No