

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

**CRM-M No. 27926 of 2018
DATE OF DECISION :- August 24, 2018**

Sachin @ Shunty

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE H.S. MADAN

Present:- Mr. Inderjeet Singh, Advocate for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

This application for regular bail has been filed by petitioner Sachin @ Shunty, an accused in F.I.R. No. 163 dated 15.10.17 for offences under Sections 323, 354A, 452 read with Section 34 IPC and Section 3 (I) (XII) of SC and ST (Prevention of Atrocities) Act registered at Police Station Sadhaura, Yamuna Nagar.

Briefly stated the facts of the case as per prosecution story are that complainant Pushpa Devi wife of Shiv Kumar has been residing in House No. 1525 Bakala Market, Thane Wali Gali, Saduara. The husband of complainant had deserted her about four years prior to the incident; that accused Sachin @ Shunty thinking that complainant was a widow had been keeping an evil eye on her since long. On 11.7.2017 at about 10 P.M. when the complainant was at her house along with her younger son Ranbir Singh as her daughter had gone to the house of her maternal Aunt then Monty son of Subhash brother and co-accused of Sachin @ Shunty present petitioner entered the house of the complainant with a bad intention and started

committing obscene acts with her and thereafter tried to commit rape upon her. When the complainant objected then he started giving beatings to the complainant attacking her with a wooden stick causing her injuries on the head and back. He passed casteist remarks against the complainant. In the meanwhile, Sonu brother-in-law of complainant came there. Then Monty called his brother Sachin @ Shunty (present petitioner). Both the accused gave merciless beatings to her and caused injuries to her on various parts of body. The police was called. Monty managed to run away whereas Sachin @ Shunty was arrested by the police.

After completion of investigation challan against Sachin @ Shunty has been filed and he is facing trial. He had moved an application for regular bail in the Court of Sessions which was dismissed by Additional Sessions Judge, Yamuna Nagar at Jagadhari on 12.3.2018, as such he has approached this Court craving for grant of similar relief, which request is being opposed by the State counsel.

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

In this case, the role attributed to the present petitioner is that on being called by his brother Monty he had gone to the house of complainant and then both the brothers gave beatings to the complainant on various parts of body. There are no allegations of committing obscene acts or attempt to rape against the present petitioner. Further, it is not alleged that he had passed any casteist remarks against the complainant. That part is rather attributed to his brother Monty, who is said to be an absconder.

The petitioner is behind bars since 23.10.2017. Though trial

against him is going on but it's conclusion is likely to take some time. His guilt shall be determined during the trial. His further detention shall not serve any useful purpose. As such this petition deserves to be accepted, the same is allowed and the petitioner is ordered to be released on bail on furnishing bail bond and surety bond to the satisfaction of the learned trial Court/CJM/Duty Magistrate, Yamuna Nagar at Jagadhari subject to the following conditions : -

- (i) he shall appear in the Court on each and every date of hearing.
- (ii) he shall not give any threat or intimidation to the prosecution witnesses.
- (iii) he shall not leave India without 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 that 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, the order shall be liable to be withdrawn.

(H.S. MADAAN)
JUDGE

August 24, 2018
p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No