

In the High Court of Punjab and Haryana at Chandigarh

Crl. Misc. No. M-53834 of 2018

Date of Decision: 11.12.2018

Ramesh Kumar Bathla

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. J.S.Bedi, Senior Advocate with
Mr. L.S.Chahal, Advocate
for the petitioner.

Mr. Tanvir Joshi, AAG, Punjab.

ANITA CHAUDHRY, J

The petitioner is seeking regular bail in FIR No. 69 dated 26.7.2018 registered at Police Station Sector City II, Abohar under Sections 354, 354-A IPC and Sections 7, 8 and 10 of POCSO Act.

Senior counsel for the petitioner contends that petitioner is in custody since 8.8.2018 and the incident had occurred in which the petitioner and his brother were attacked and knife injury was given to the brother of the petitioner and they have placed on record the MLRs. Counsel further submits that the dispute was regarding construction being carried out by the petitioner in the property which is close to the complainant's house and a different version has been given. Counsel further states that on account of political pressure, the complaint given by the brother of the petitioner was not entertained and complaint was filed in the Court and the statement has been given by Ashok. Counsel also submits that challan has been presented and charge has been framed.

State counsel informs that the victims are yet to be examined and the petitioner will be visiting the property which is under construction.

Counsel for the petitioner submits that they are ready to give an undertaking that the petitioner will not visit the area till the statements of the victims are recorded.

Investigation is over. Challan has been presented. The trial will take time. The FIR was lodged at 8.30 P.M. Around the same time the petitioner and his brother were admitted in the hospital who had received injuries. The brother of the petitioner had received a knife injury which will have to be explained by the prosecution at the trial.

Without commenting anything on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate on the condition that the petitioner would not visit the area where the complainant lives till the statements of the victims are recorded.

(ANITA CHAUDHRY)
JUDGE

December 11, 2018
Gurpreet

Whether speaking/reasoned : Yes
Whether reportable : No