

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

Criminal Misc. No.M-599-2018 (O&M)

Date of Decision: May 18, 2018.

VIJAY KUMAR

..... PETITIONER

Versus

STATE OF HARYANA

..... RESPONDENT

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Karan Singh, Advocate
for the petitioner.

Mr. Anmol Malik, AAG, Haryana.

Mr. M.S. Chauhan, Advocate,
for the complainant.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL, J.

The petitioner prays for bail pending trial in FIR No.496 dated 13.11.2017, under Sections 354D, 364, 452, 506, 511 of IPC, registered at Police Station Ambala City.

It is submitted that the petitioner has been falsely implicated in this case. Earlier another FIR No. 39 dated 27.01.2017, under Sections 323, 354A, 452, 506 of IPC was registered against the petitioner. In fact the petitioner's mother and sister had submitted representations against the family members of

the complainant (Annexures P-3, P-4 and P-5). Moreover, the petitioner, it is submitted, is facing Neurological problem and is taking treatment for his problem from Government Medical College Hospital, Sector 32, Chandigarh. It is further submitted that the petitioner is otherwise able to carry on with his routine work in normal manner but is susceptible to altered behaviour for short periods. Reference is made to the certificate dated 07.05.2018 issued by the Department of Neurosurgery, Sector 32, Chandigarh. It is further submitted that the complainant as well as her father have since deposed before the learned trial Court. The petitioner undertakes not to enter the District till the conclusion of the trial. It is, thus, prayed that this petition be allowed.

Learned counsel for the complainant as well as State have opposed this petition while submitting that this is the second incident involving the petitioner.

Learned counsel for the State while referring to Annexure R-1 i.e. Report in respect to the mental condition of the petitioner submits that he is physically and mentally fit. However, it is not denied that the complainant as well as her father have since deposed before the trial Court in FIR No. 39 dated 27.01.2017 as well.

Trial in this case is not likely to conclude in the near future. No useful purpose would be served by keeping the petitioner incarcerated any longer in the facts and circumstances of this case.

There are no allegations on behalf of the State that the petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts before the Court, if released on bail.

Keeping in view the facts and circumstances of the case but without commenting upon or expressing any opinion on the merits thereof, this petition is allowed. The petitioner be released on bail pending trial subject to his furnishing requisite bail bonds and surety to the satisfaction of the learned Trial Court as well as subject to the condition that the petitioner shall not enter the district during the pendency of the trial except for attending the proceedings before the learned trial Court.

It is made clear that the petitioner shall not directly or indirectly try to contact the complainant-prosecutrix/any of her family members or witnesses in this case. Any such infraction on the part of the petitioner may entail cancellation of his bail.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

May 18, 2018
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(LISA GILL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No