

Crl. Misc. No. M-8278 of 2018

(1)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-8278 of 2018

DATE OF DECISION:24.07.2018

Sharif

.....Petitioner

Versus

State of Haryana

.....Respondent

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Kunal Dawar, Advocate
for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

Mr. Tanmoy Gupta, Advocate
for the complainant.

DAYA CHAUDHARY, J.

The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to petitioner-Sharif in case FIR No. 584 dated 20.7.2017 registered under Sections 148/323/506 read with Section 149 IPC and Section 3 of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities), Act 1989 (hereinafter referred to as 'the Act 1989') at Police Station Sadar, Palwal.

Learned counsel for the petitioner contends that the petitioner has falsely been implicated in this case and a civil suit is already pending between the parties. The FIR was registered after a delay of ten days. All offences except offence under Section 3 of the Act, 1989 Act are bailable.

The petitioner is in custody for the last approximately ten months and complainant has also been examined.

Learned counsel for respondent-State has not disputed the custody period as well as examination of the complainant. However, she has opposed the submissions made by learned counsel for the petitioner.

Similarly, learned counsel for the complainant has also vehemently opposed the submissions made by learned counsel for the petitioner and opposed grant of regular bail to the petitioner on the ground that the complainant is not being allowed to cultivate his land and there is a constant interference by the petitioner and other persons.

Heard the arguments advanced by learned counsel for the parties and have also gone through the contents of the FIR and other documents available on the file.

Keeping in view the facts that all the offences except offence under Section 3 of the Act, 1989 are bailable, the petitioner is in custody for approximately ten months, the complainant has already been examined and there is no possibility that he may influence the witnesses, trial may take some time to conclude and no purpose would be served by keeping the petitioner behind bars, the present petition is allowed. Petitioner-Sharif is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of trial Court.

July 24, 2018
pooja

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No