

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

**CRM-M No.7140 of 2019 (O&M)
Date of Decision: 20.02.2019**

Krishan

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Sanchit Punia, Advocate for the petitioner.

Mr. Manoj K. Sangwan, Deputy Advocate General, Haryana
for the respondent/State.

MAHABIR SINGH SINDHU, J. (Oral)

Present petition has been filed under Section 439 of the Code of Criminal Procedure (*for short 'Cr.P.C.'*) for grant of bail pending trial to the petitioner in case FIR No.1013 dated 03.10.2018, under Sections 323 & 506 of the Indian Penal Code, 1860 and Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, registered at Police Station Sadar, District Hisar.

As per the allegations in the FIR, which was registered on the basis of statement of complainant-Hari Om that on 30.09.2018 at about 07:30 PM, a car stopped in front of his shop and driver played vulgar songs in loud voice. At the same time, he was having one bottle of liquor and an axe in his hands. He also threw brick-bats on his house. Thereafter, accused hurled filthy abuses by caste and uttered obscene words and became nude

in front of his house. Apart from this, accused also extended threats to face dire consequences.

It is contended on behalf of the petitioner that he is in custody since 26.10.2018 and after investigation, charges have been framed on 03.01.2019. Also contends that case is pending for prosecution evidence for 26.03.2019. Further contends that there are 11 prosecution witnesses and trial will take a long time for its conclusion.

The above factual position is duly acknowledged by learned State Counsel, on instructions from A.S.I. Ram Singh, but opposed the present bail application on the ground that charges have been framed and, therefore, no case is made out for grant of bail to the petitioner.

Heard both sides and perused the paper-book.

Admittedly, the petitioner is in custody since 26.10.2018; after framing of charges, case is fixed for prosecution evidence on 26.03.2019. There are total 11 prosecution witnesses and thus, trial is likely to take a long time for its conclusion. There is no other criminal case pending against the petitioner, therefore, this Court deems it appropriate to release the petitioner on bail, pending trial.

In view of the abovesaid circumstances, without expressing any opinion on the merits of the case, the present petition is allowed. Petitioner be admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.

However, it is made clear that in case there is recurrence on the part of the petitioner, the prosecution would be at liberty to move an

appropriate application before this Court for recalling of this order.

The above observations may not be construed as an expression of opinion on the merits of the case.

February 20, 2019
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	Yes