

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-9230 of 2019

Date of Decision: 05.04.2019

Dinesh

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

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

Ms. Mahima Yashpal, AAG, Haryana.

HARI PAL VERMA, J. (Oral)

Prayer in the present petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner in case FIR No.44 dated 14.05.2018 under Sections 354A, 376(2)(n), 452, 506 IPC registered at Police Station Women, Panipat, District Panipat.

The aforesaid FIR was registered at the behest of the complainant Shabnam wife of Sanjay Kumar with the allegations that the petitioner, who is neighbour of the complainant, is harassing her for the last about 8 months. He entered into the house of the prosecutrix, molested her and did bad act with her. He also clicked some photographs of the prosecutrix and now, the petitioner is extending threats to put those

photographs on internet. While giving threats to kill prosecutrix, he has committed bad act with her many times.

Learned counsel for the petitioner has argued that the petitioner is in custody since 27.05.2018. The prosecution has examined the prosecutrix herself as PW-1, Sunita w/o Vinod, Jethani (sister-in-law) of the complainant as PW-2, Sanjay Kumar, husband of the complainant, as PW-3 and they have not supported the case of the prosecution and rather, they have been declared hostile.

Learned State counsel, on instructions from ASI Seema, does not dispute the custody of the petitioner as well as the statements of PW-1, the prosecutrix herself, PW-2 Sunita and PW-3 Sanjay Kumar. She submits that there are total 16 witnesses cited by the prosecution, out of which, 4 witnesses have been examined and all the four witnesses have not supported the case of the prosecution.

I have heard learned counsel for the parties.

The prosecutrix, who has been examined as PW-1 has not supported the case of the prosecution. Rather, she has stated that on 14.05.2018, when she was present in her house, she heard a noise outside her house. When she came in the street, she found some heated exchange of words between the petitioner and her husband Sanjay Kumar. Thereafter, her husband along with the complainant went to police station and the police obtained her signatures on some blank papers. Similar statements have been made by other witnesses.

Admittedly, the petitioner is in custody since 27.05.2018 and the material prosecution witnesses have been examined in the case, who

have not supported the case of the prosecution. Therefore, this Court is of the opinion that the petitioner deserves to be admitted on regular bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to furnishing of his bail bonds/surety bonds to the satisfaction of trial Court.

However, it is made clear that the observations made hereinabove shall not be construed as any expression on the merits of the case.

April 05, 2019
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No