

226.

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

CRM-M-10067-2019 (O&M)

Date of decision:08.03.2019

MEHAR CHAND

... Petitioner

versus

STATE OF HARYANA

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Sanjiv Gupta, Advocate,
for the petitioner.

Ms. Priyanka Sadar, AAG, Haryana.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner, pending trial, in case FIR No.06 dated 01.02.2019 registered under Sections 354-A, 506 of IPC and under Section 3(2)(v)(i) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 1989 at Women Police Station, Hisar.

Learned counsel for the petitioner has argued that the petitioner is in custody since 11.02.2019. The very FIR registered against the petitioner is totally motivated. In fact, the petitioner is owner of a soap factory in Sirsa where the husband of the complainant is an employee and there were some differences between them. Even otherwise, the husband of the complainant was already in the company of the complainant and the matter was never reported to him. The application under the SC& ST Act is aimed at to aggravate the facts of the case.

Learned State counsel, on instructions from ASI Sulekha, does not dispute the custody. However, she states that since the petitioner has caught hold the hand of the complainant, he has rightly been booked in the case. She has argued that the petitioner caught hold the hand of the complainant twice and further used the word “dedhni” invoking the provision of SC & ST Act. She further states that this incident was told to the husband who was accompanying her in the car but the petitioner stopped her to make it public. Thereafter, the matter was reported by the complainant to her father-in-law as well.

I have heard learned counsel for the parties.

Considering the fact that the petitioner is in custody since 11.02.2019 and on the relevant date when the alleged incident took place, the husband of the complainant was very much in the company of the complainant, this Court deems it appropriate to admit the petitioner on bail.

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

(HARI PAL VERMA)
JUDGE

08.03.2019
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Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No