

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

224

CRM-M-10062-2019(O&M)

Date of Decision:08.03.2019

Pushpender Balhara

.....Petitioner

Versus

State of Haryana

.....Respondent

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

Present: Mr. Anshumaan Dalal, Advocate,
for the petitioner.

Ms. Priyanka Sadar, A.A.G., Haryana.

HARI PAL VERMA, J.(Oral)

CRM-8140-2019

Prayer in this application filed under Section 482 Cr.P.C. is for correction in the head-note as well as prayer clause of the present petition.

Learned counsel for the petitioner states that in fact Section 354-B IPC was required to be incorporated in the petition, but inadvertently the offence punishable under Section 354-A IPC was incorporated. He seeks correction to the aforesaid extent.

Application is allowed, as prayed for and correction in the head-note as well as prayer clause in the present petition be now read as the offence punishable under Section 354-B IPC instead of Section 354-A IPC.

CRM-M-10062-2019

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in FIR No.624 dated 31.12.2018 under Sections 323, 354-B, 452, 506 IPC, registered at Police Station Urban

Learned counsel for the petitioner states that the petitioner is in custody since 22.01.2019. Initially, the FIR was registered under Sections 323, 354-B, 452, 506 IPC. However, during the course of investigation, the offence under Section 452 IPC was deleted. He further states that the petitioner has falsely been implicated in the case for the reason that he was cited as a witness by the husband of the complainant in a divorce-petition filed by Dinesh Balhara. Petitioner and Dinesh Balhara are otherwise residing in the same house.

Learned State Counsel on instructions from ASI Santosh, states that the petitioner has entered the house of the prosecutrix, pulled her hair and torn her clothes and has given a threat to kill her. Therefore, petitioner is not entitled to grant bail.

Heard learned counsel for the parties.

Petitioner is in custody since 22.01.2019. Even otherwise, he is residing in the same house for which the offence punishable under Section 452 IPC has been deleted, this Court finds that culpability of the petitioner is yet to be established during the course of trial.

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.

It is made clear that the petitioner shall not extend any threat and shall not try to influence any prosecution witnesses directly or indirectly in any manner.

March 08, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No