

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

CRM-M No.42946 of 2019

Date of decision: 13th November, 2019

Kamal @ Nepali

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Rajesh Dhiman, Advocate for the petitioner.

Mr. Baljinder S. Virk, Dy. Advocate General, Haryana
for the respondent/State.

FATEH DEEP SINGH, J. (ORAL)

The petitioner Kamal alias Nepali has come up in this first regular bail application under Section 439 Cr.P.C. filed before this Court in case bearing FIR No.1492 dated 16.12.2018 under Sections 323, 354, 379-B, 506, 509 IPC pertaining to Police Station City Karnal, District Karnal. The present allegations have come about by a married lady aged around 23 years, alleging that the petitioner entered her house and after abusing her tried to molest her and thereafter fled away after snatching her gold chain and earrings and also threatened to kill the husband of the complainant.

Learned counsel for the petitioner Mr. Rajesh Dhiman, Advocate inter alia contends that the petitioner happens to be immediate neighbour of the complainant and on account of their political rivalry a false case has been registered and there is nothing substantial to prove the allegations that have come up in this petition.

On behalf of the State, Mr. Baljinder Singh Virk, Dy. Advocate General, Haryana on instructions from SI Ravinder Kumar though has not disputed the facts narrated before this Court but has strongly opposed the grant of bail to the petitioner on the grounds that if allowed bail the petitioner might stifle the trial and that the parties are at loggerheads since a long time.

Appreciating the arguments of the two sides as is there, the petitioner is behind bars for more than ten-and-a-half months. Admittedly, the complainant and the petitioner are neighbours and a debatable issue arises over the very truthfulness of the allegations. Culpability, if any, shall be determined at the trial which is not likely to conclude in the near future. In view thereof, this Court is of the opinion that no useful purpose will be served by keeping the petitioner in custody in the present case. Accordingly, he is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Karnal. However, it is made clear that anything observed herein shall not be construed as an expression on the merits of the case.

The petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

November 13, 2019

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No