

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

CRM M-43842 of 2019
Date of Decision: December 06, 2019

Banwari LalPetitioner

Versus

The State of Haryana Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. Vikas Bishnoi, Advocate
for the petitioner.

Ms. Mahima Yashpal, A.A.G., Haryana.

FATEH DEEP SINGH, J. (Oral)

The present case has been got registered by complainant Saroj a widowed lady by way of FIR No. 116 dated 19.05.2019 under Sections 148, 149, 323, 342, 452, 506 IPC and subsequently added Sections 328, 354, 325, 120-B, 34 IPC and Section 12 of Prevention of Children from Sexual Offences Act, 2012 at Police Station Sadar Tohana, District Fatehabad.

It is alleged that on 16.05.2019 at 11.00 p.m., while she was sleeping, accused non-applicants Somi, Jeevan, Deep Gurmeet @ Meeta and Amit @ Rinku entered her house and

assaulted the complainant and other family members with sticks leading to the registration of the present case.

Learned counsel for the petitioner *inter alia* contends that the petitioner is behind the bars since 1st June, 2019 and that name of the petitioner no where figures out in the FIR and it is at a belated stage, he has been implicated for a motivated cause.

Ms. Mahima Yashpal, A.A.G., Haryana on instructions from ASI Rakesh Kumar does not dispute the facts but has opposed the bail on the grounds of seriousness of allegations arguing that if allowed bail, the petitioner might stifle the trial.

Going through the submissions of the two sides, name of the petitioner does not figure in the FIR and it is, subsequently, after four days the same has cropped up in statement recorded under Section 164 Cr.P.C. It is duly conceded by the learned State counsel that no specific role is attributed to the petitioner and he is in custody for more than 06 months. Culpability, if any, of the petitioner shall be determined at the trial which is not likely to be concluded in the near future. This Court is of the opinion that it is a fit case for grant of bail. Accordingly, the petitioner is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, concerned.

However, it is made clear that anything observed herein shall not be construed as an expression on the merits of the case.

Disposed off.

December 06, 2019
amit rana

(FATEH DEEP SINGH)
JUDGE

Whether reasoned/speaking	:	Yes/No
Whether reportable	:	Yes/No