

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-44057-2019 (O&M)
Date of Decision:-22.10.2019

Jagdish

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Prabhjeet Singh Sullar, Advocate for the petitioner.

Mr. Ashok Singh Choudhary, Addl. Advocate General, Haryana.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.244 dated 13.8.2019 at Police Station Nangal Choudhary, District Mahendergarh under Section 376, 506, 34 of Indian Penal Code, wherein offence under Section 228-A(1) IPC was added later on, and under Section 3 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Amendment 2015).
2. The FIR was lodged at the instance of Suman, wherein it has been alleged that she works in the village to earn livelihood for herself as well as for her family and has been issued a 'Below Poverty Line' ration card. It is alleged that she had applied for construction of a house and that Jagdish, father-in-law of the Sarpanch namely Radha Bai, called her on her mobile phone and

represented that he had received a cheque for an amount of ₹2.5 lacs for construction of her house but she would have to make him happy and asked her to collect the cheque by coming to the room on the first floor. It is alleged that when she went to the house, Jagdish pulled her inside the room and committed wrongful act with her. When she started crying, he held out a threat to eliminate her and to defame her in case she disclosed about the same to anybody. It is further stated therein that on the next day, Jagdish sent his daughter-in-law i.e. Sarpanch Radha Bai as well as his wife Kaushalaya to her house and when she disclosed about the said incident they started giving beatings to her and they also threatened her with dire consequences in case she disclosed about the incident to anybody.

3. The learned counsel for the petitioner has submitted that the petitioner is an aged man of 60 years and has falsely been implicated in the present case mainly on account of political rivalry in the village as the daughter-in-law of the petitioner happens to be Sarpanch in the village. The learned counsel has further submitted that falsity of the case would be evident from the fact that when the statement of the prosecutrix was recorded in terms of Section 164 Cr.P.C., she came out with an improved version, wherein she named the son of the petitioner as well as the daughter-in-law of the petitioner, who have been stated to be present at the time when the occurrence took place. The learned counsel has further submitted that the FIR, in any case, came to be lodged after about one month of the alleged occurrence and is apparently a cooked-up version.
4. Opposing the petition, the learned State counsel has submitted that since specific and categoric allegations have been levelled against the petitioner,

no case for grant of bail is made out. It has, however, been informed that investigation is complete and challan already stands presented.

5. Having regard to the facts and circumstances of the case, it would be debatable as to whether the complainant has come out with a truthful version or as to whether it is a result of some political rivalry or not. In any case, since challan already stands presented, further detention of the petitioner will not serve any useful purpose as the conclusion of trial is likely to take some time. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

22.10.2019

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No