

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

CRM-M-53263 of 2019.

Decided on:- December 19, 2019.

Attar Singh.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

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

Present:- Mr. D.P.S. Bajwa, Advocate
for the petitioner.

Ms. Priyanka Sadar, AAG, Haryana.

HARI PAL VERMA, J. (Oral)

The petitioner has filed present petition under Section 439 Cr.P.C. seeking regular bail in FIR No.275 dated 04.11.2019 under Sections 354(A)1(3), 354, 326-B and 506 read with Section 34 IPC registered at Police Station Sadar Narwana, District Jind.

The aforesaid FIR was registered at the behest of complainant Pooja. As per the prosecutrix, the petitioner is her neighbour and for the last many days, he is harassing the prosecutrix. As and when she passes through the street, the petitioner used to comment upon her. However, when she made a complaint against the petitioner to his family members, they started fighting against her, tried to throw acid upon her and even threatened to kill her.

Learned counsel for the petitioner has argued that the arrest of co-accused Rekha, who is wife of the petitioner, has already been stayed by this Court vide order dated November 29, 2019 passed in ***CRM-M-50911 of 2019*** titled as ***Rekha Versus State of Haryana***. The petitioner is in custody since 05.11.2019 and there is no bodily injury on the person of the prosecutrix so as to substantiate that an attempt was made by the accused to throw acid upon her. Even otherwise, the allegation of throwing acid, if any, is against co-accused Rekha, whereas the allegation against the petitioner is that he used to harass the complainant.

Learned State counsel, on instructions from SI Sarvjit Singh, states that the allegation against the petitioner is that he has been harassing the prosecutrix and the co-accused had made an unsuccessful attempt to throw acid upon her which resulted in the burning of her blanket.

I have heard learned counsel for the parties.

Considering the fact that the petitioner is in custody since 05.11.2019 and the trial is not likely to be concluded in near future coupled with the fact that the allegation of throwing acid, if any, is against co-accused Rekha, this Court finds that the culpability of the petitioner is yet to be decided during the trial and no useful purpose would be served by keeping him in custody.

Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing adequate bail and surety bonds to the satisfaction of learned trial Court/Duty Magistrate.

The observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and the trial Court shall decide the case without being influenced with these observations in any manner.

December 19, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No