

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

222

CRM-M-110-2020
Date of decision: 12.02.2020

Vikas @ Basudi

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Deepender Singh, Advocate
for the petitioner.

Mr. Kuldeep Tiwari, Addl. A.G., Haryana
for the respondent.

ARUN KUMAR TYAGI, J (ORAL)

The petitioner has filed the present (first) petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.199 dated 19.05.2019 under Section 506 read with Section 34 of the Indian Penal Code, 1860 and Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 registered at Police Station Azad Nagar, District Hisar.

As per the prosecution version, complainant-Rajesh submitted written complaint to SHO Police Station Azad Nagar, Hisar. In his complaint, the complainant alleged that he had performed inter-caste marriage about 10 years back. On 10.05.2019, his brother-in-law Nitin Saini called him on his mobile phone and threatened to kill him and abused him in the name of caste. The complainant enclosed audio CD of the conversation and requested for taking of action against Nitin Saini and his friend Vikas. On the basis of complaint, the above said FIR was registered. During investigation, the petitioner was arrested on

25.11.2019. The petitioner has filed present petition for grant of regular bail.

Learned State counsel has appeared and opposed the bail application in terms of reply filed by Mr. Joginder Sharma, HPS, Deputy Superintendent of Police, Law and Order, Hisar.

At this stage, Mr. Ram Krishan Rana, Advocate has put in appearance and filed his power of attorney on behalf of the complainant which is taken on record.

I have heard learned counsel for the petitioner, learned State counsel and learned counsel for the complainant and gone through the record.

Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in this case. No specific role had been attributed to the petitioner. The trial is likely to take long time. No useful purpose will be served by further detention of the petitioner in custody. Therefore, the petitioner may be ordered to be released on regular bail.

On the other hand, learned State counsel and learned counsel for the complainant have submitted that in view of the nature of accusation, the petitioner does not deserve the grant of regular bail. Therefore, the petition may be dismissed.

Keeping in view the facts and circumstances of the case, nature of accusation and evidence against the petitioner and the fact that the trial is likely to take long time but without commenting on merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

Therefore, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of bail bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

12.02.2020

Vinay

(ARUN KUMAR TYAGI)
JUDGE

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