

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

CRM-M No.15401 of 2020 (O&M)
DATE OF DECISION : 1st JULY, 2020

Kalia @ Karnail Singh

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

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In virtual Court

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Present: Mr. S. S. Sahu, Advocate for the petitioner.

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RAJBIR SEHRAWAT, J. (Oral)

The present petition has been filed by the petitioner under Section 439 Cr.P.C. for grant of bail pending trial in case FIR No.320 dated 19.08.2019 registered under Sections 354, 354-A, 354-B, 376 & 511 IPC at Police Station Rania, Tehsil Rania District Sirsa.

It is contended by the counsel for the petitioner that the case against the petitioner has been created for motivated reasons. The family of the petitioner is having old enmity with the family of the prosecutrix. On that count only, the family of the prosecutrix had caused injuries to the petitioner, for which he has already made a complaint to the police. Therefore, to counter the story of the petitioner, the complainant has lodged this FIR against the petitioner. There is a delay of two days in lodging the FIR. Even as per the prosecution, it is only the attempt to outrage the modesty of the girl. It is further submitted that the petitioner is in custody since 09.09.2019. The challan has already been filed.

Therefore, the petitioner is not required for any investigation purposes.
Hence, the petitioner deserves to be released on bail.

Notice of motion.

Mr. Anmol Malik, DAG, Haryana, accepts notice on behalf of
the State.

On the other hand, the counsel for the State, being instructed
by ASI Kiranpal Kaur, submits that there are allegations against the
petitioner. In fact, he was caught on the spot and injuries suffered by him
testify his participation in the alleged fight. However, it is not disputed
that there is delay of two days in lodging the FIR and there has been a
cross-complaint by the petitioner as well. It is also not disputed that the
petitioner is in custody since 09.09.2019.

In view of the above, but without expressing any further
opinion on the merits of the case, the present petition is allowed. The
petitioner is ordered to be released on bail pending trial subject to his
furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty
Magistrate, concerned.

1st JULY, 2020
'raj'

(RAJBIR SEHRAWAT)
JUDGE

Whether speaking/reasoned:

Yes

No

Whether Reportable:

Yes

No