

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-15901 of 2020 (O&M)

Date of Decision: 06.07.2020

Nijam & another

...Petitioner (s)

Versus

State of Haryana

...Respondent(s)

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

Present:- Mr. Talim Hussain, Advocate
for the petitioners.

Ms. Gaganpreet Kaur, AAG, Haryana.

HARI PAL VERMA, J. (Oral)

CRM-13964-2020:

The application is allowed, as prayed.

CRM-13966-2020:

Prayer in this application filed under Section 482 Cr.P.C. is for
exemption from filing the prescribed Court fee.

Prayer for exemption of Court fee on account of COVID-19 is
accepted with the condition that the petitioners shall deposit the required
Court fee within a period of one month when the situation becomes normal
from the COVID-19 effect.

Application stands disposed of.

Criminal Misc. No.M-15901 of 2020:

Prayer in the present petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioners in case FIR No.135 dated 24.05.2020 under Sections 354-A, 323, 506, 188 IPC, Section 8 POCSO Act and Section 3(2) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 registered at Police Station Pinangwan, District Nuh (Mewat).

Learned counsel for the petitioners has argued that there is no allegation against the petitioners as regards the sexual assault upon the complainant. The only allegation against the petitioners is that they used to pass derogatory remarks against the complainant, attracting the provisions of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act. The petitioners are in custody since 26.05.2020.

Learned State counsel does not dispute the custody of the petitioners. However, she has submitted that apart from the fact that the petitioners used to pass derogatory remarks against the petitioners, they also gave beatings to the complainant.

I have heard learned counsel for the parties.

Admittedly, the petitioners are in custody since 26.05.2020 and there is no specific allegation of sexual assault upon the complainant. Considering the fact that the allegations of passing derogatory remarks against the complainant are subject to trial and the trial in the case will take sufficient long time, no useful purpose would be served by keeping the petitioner in custody, thus, this Court deems it appropriate to release the petitioners on regular bail.

Accordingly, the present petition is allowed and the petitioners are admitted on regular bail, subject to furnishing of their bail bonds/surety bonds to the satisfaction of trial Court/Duty Magistrate.

However, it is made clear that the observations made hereinabove shall not be construed as an opinion on the merits of the case.

July 06, 2020
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No