

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

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CRM-M No.28455 of 2020

Date of Decision: September 23rd, 2020

Shamsher

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. B.K. Bagri, Advocate
for the petitioner.

Ms. Tanisha Peshawaria, Deputy Advocate General, Haryana.

Mr. Manish Deswal, Advocate
for the complainant.

(PROCEEDINGS THROUGH V.C.)

AUGUSTINE GEORGE MASIH, J. (ORAL)

Prayer in this petition is for grant of regular bail to the petitioner in FIR No.0130 dated 11.06.2020 registered under Section 295 IPC and Section 3 of The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, at Police Station Sadar Dadri, District Charkhi Dadri.

It is the contention of learned counsel for the petitioner that the petitioner was arrested on 01.07.2020. He has been involved in the present case under a misconception. This is apparent from the fact that the complainant has given his affidavit, copy whereof has been appended as Annexure P-2. It is asserted that the trial is likely to take a long time. Although challan has been presented but the charge has not been framed. The next date of hearing before the trial Court is 01.10.2020. Prayer has thus been made for the grant of regular bail.

On the other hand, learned counsel for the State, opposes the bail petition by asserting that he has hurt the sentiment of a particular community and according to the allegations, he has not only entered the premises of the temple but has also broken the idol of the *Devi*. She, therefore, states that the concession of bail be not granted to the petitioner.

Counsel for the complainant, on the other hand, acknowledges the factum of the affidavit dated 01.07.2020 (Annexure P-2) and states that he has no objection to the acceptance of the prayer of the petitioner.

I have considered the submissions made by the counsel for the parties and keeping in view the fact that the challan has been presented, with the trial not likely to proceed in near future, especially when the next date of hearing before the trial Court is 01.10.2020 for framing of the charge, with ten witnesses cited by the prosecution but because of the prevailing circumstances and the restricted mode of working by the trial Court as per the instructions of the High Court relating to the prevailing pandemic, the present petition is allowed.

Petitioner is directed to be released on bail to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, Charkhi Dadri.

Any observations made hereinabove are for the purpose of disposal of the present petition alone and shall have no bearing on the merit of the case during the trial in any manner.

September 23rd, 2020
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No