

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

Sr. No.231

CRM-M-36752-2020

Date of decision: 14.12.2020

Pola Ram @ Bhola Ram

....Petitioner

versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. A.S.Brar, Advocate
for the petitioner.

Mr. Ashok Kumar Sehrawat, DAG, Haryana.

* * *

DEEPAK SIBAL, J. (Oral)

Case taken up through video conferencing.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.361 dated 29.09.2020 registered under Sections 323, 394, 452 IPC at Police Station Sadar Fatehabad, District Fatehabad.

Briefly stated, the case of the prosecution is that the petitioner trespassed into the complainant's house and after causing her injuries with a knife, robbed her Mangalsutra and then ran away.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated as he is the lessee on the complainant's land and to put pressure on him to vacate her land, the complainant has lodged the present false FIR against him; the complainant's MLR which shows no injury with a sharp edged weapon clearly falsifies the prosecution story of the petitioner having inflicted injury on the complainant with a knife; there is no other criminal case in which the petitioner is involved; the petitioner has been in custody since 13.09.2020; the report under Section 173 Cr.P.C. has already been filed, therefore the petitioner is not in a position to influence the investigation and that the petitioner's trial which is yet to begin is not likely to conclude in the near future especially in the present circumstances when the world is facing the Covid-19 pandemic.

Learned State counsel opposes the grant of bail to the petitioner on the ground that he is accused of trespassing and inflicting injuries upon the complainant.

Whether the petitioner has been falsely implicated or not would be debated during the course of the trial. However, the petitioner has been in custody since 13.09.2020; the petitioner is not involved in any other criminal case; the MLR of the complainant shows only simple injuries upon her; there is no injury on the complainant caused by a sharp edged weapon; the report under Section 173 Cr.P.C. has already been filed, therefore the petitioner is not in a position to influence the investigation and that the trial which is yet to commence is not likely to conclude in the near future especially in the present circumstances when the world is facing the Covid-19 pandemic.

Keeping in view the totality of the above facts, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Fatehabad, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

(DEEPAK SIBAL)
JUDGE

December 14, 2020
Jyoti 1

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No