

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

**CRM-M No.44046 of 2019 (O&M)
Decided on: 14.01.2020**

Sahoon		Petitioner
	Versus	
State of Haryana		Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Saleem Ahmed, Advocate for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.0250 dated 13.07.2019, for offence punishable under Sections 323, 342, 389, 506, 34 of the Indian Penal Code, 1860 (in short 'IPC'), registered at Police Station Punhana, District Nuh.

Counsel for the petitioner has argued that as per the allegations in the FIR, registered at the instance of one Yaseen, he is working as a Desi Hakeem (Quack) and on 11.07.2019 in the evening, a lady along with her 02 children to his shop as she was complaining some pain in her stomach and when he was giving medicine to her, suddenly 03 persons entered his shop and shut the door and started beating him by saying that he has committed rape upon the said lady and pay them Rs.4 lacs. Upon this, the complainant requested and assured them to pay Rs.1.70 lacs and thereafter, they released him. On the next day i.e. 12.07.2019, he received a phone call demanding Rs.1.70 lacs.

Counsel for the petitioner has further submitted that the FIR was registered on 13.07.2019 after a delay of 02 days and as per the MLR, the injuries are reported as complaint of pain. It is further argued that the petitioner is in custody since 13.07.2019; the investigation is complete; challan stands presented and except the petitioner, no other accused (including the lady) were arrested by the police. It is also submitted that the petitioner is not involved in any other case.

Counsel for the State, on instructions from ASI Tej Singh, has not disputed the factual position but opposed the prayer for bail on the ground that the petitioner is involved in one more FIR under Sections 323 and 326 IPC, in which he is on bail.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody since 13.07.2019; the investigation is complete; challan stands presented and it will take some time in conclusion of the trial, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

14.01.2020
yakub

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