

CRM-M No.1811 of 2021

Date of Decision : 05.02.2021

Jagmender Singh

...Petitioner

Versus

State of Haryana

....Respondent

Coram : Hon'ble Mr. Justice B.S. Walia

Present : Mr. Bipan Ghai, *Senior Advocate* assisted by
Mr. Paras Talwar, Advocate and
Ms. Harneet Pannu, Advocate
for the petitioner.

Mr. Vivek Chauhan, Addl. A.G., Haryana.

Mr. Manoj Makkar, Advocate for the complainant.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.

2. Prayer in the petition under Section 438 Cr.P.C. read with Section 482 Cr.P.C. is for issuance of a direction to the Arresting Officer to release the petitioner on bail in the event of his arrest in case FIR No.67 dated 05.03.2019, registered under Section 506 IPC and Sections 3(2) (va) and 4 of SC/ST Act, at Police Station Civil Lines, Sonipat.

3 . On 29.01.2021, the following order was passed:-

“Case is being taken up for hearing through Video Conferencing due to the Covid-19 pandemic.

Learned Addl. AG, Haryana, requests for an adjournment to place reply/status report on record.

At this stage, learned counsel for the petitioner states that the petitioner was exonerated of the charges levelled against him in an inquiry, conducted by the Sub Divisional

Magistrate on 06.12.2017 and subsequently by the Joint Director (Technical) on 09.06.2018, besides, the petitioner was also found innocent of the allegations levelled against him by the Human Rights Commission and the police had also prepared a cancellation report dated 22.06.2019 but the same was not filed and eventually the Investigating Officer was changed vide order dated 21.10.2020. Learned Counsel further contends that initially on legal advice, the petitioner had refused to undergo a polygraph test but now on fresh legal advice the petitioner is ready to face a polygraph test.

Learned State counsel requests for time to obtain permission from the learned trial Court for conducting a polygraph test.

Adjourned to 05.02.2021.”

4. Today, leaned State Counsel has produced copy of order dated 02.02.2021 passed by the learned Judicial Magistrate 1st Class, Sonipat. The same is reproduced as under :-.

“State vs. Jagmender

*FIR No. 67 dated 05.03.20 19
U/s 506 IPC and 3, 4 SC/ST Act
P.S. Civil Line, Sonipat.*

Present : Sh.Anuj Malik, Ld. APP for the State.

Accused Jagmender in person with Sh. Subhash Chand, DSP.

The prosecution has filed an application before the under-signed being Area Magistrate for granting permission to conduct polygraphy test of accused Jagmender who has submitted vide separately recorded statement that he has no objection to undergo polygraphy test. Heard and allowed in view of no objection of accused Jagmender. Let, polygraphy test of accused be conducted as per law. Application is disposed off accordingly. Papers be attached with the case FIR.

*Ashok Kumar-IV,
JMJC, Sonipat
UID No.HR-0392
02.02.2021”*

5. Learned State Counsel on instructions from Shri Subash Chand, DSP, Yamuna Nagar states that the petitioner would be allowed to undergo polygraphy test in the same manner as he was allowed to appear before the learned Judicial Magistrate 1st Class, Sonipat for giving consent for undergoing the polygraphy test.

6. In view of the position noted above, as well as statement of learned State counsel, the instant petition is ***disposed of*** at this stage as not calling for any orders, with liberty to the petitioner to avail his remedy in accordance with law, subsequently, if the circumstances of the case, so warrant.

(B.S. Walia)
Judge

February 5, 2021

'Rajneesh'

<i>Whether speaking/ reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>