

(Through Video Conferencing)

CRM-M No. 3477 of 2021

Date of Decision: 30.04.2021

Alok

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHIPresent: Mr. Tarun Gupta, Advocate,
for the petitioner.

Ms. Rajni Gupta, Addl. Advocate General, Haryana.

HARSIMRAN SINGH SETHI, J. (ORAL)

The present petition has been filed seeking regular bail to the petitioner in respect of FIR No.79 dated 03.05.2020 registered under Section 307 IPC (Section 324 of IPC added later on), at Police Station Sector-20, Panchkula, Haryana.

Learned counsel for the petitioner submits that the petitioner has wrongly been framed in the present FIR and the allegations alleged against the petitioner in the FIR are totally false and incorrect. Learned counsel for the petitioner further submits that actual case is that the petitioner was being forced to get married to the victim which he never wanted to and the allegations that the petitioner stabbed the victim on 03.05.2020 are totally false. Learned counsel for the petitioner further submits that the petitioner is behind the bars for approximately one year and therefore, keeping in view the facts and circumstances of the present case, the petitioner be granted the benefit of regular bail.

Learned State counsel submits that the petitioner had stabbed the victim more than seven times and that too on the grievance that she was

resisting his attempts and pressure to get married to him. Learned counsel for the respondent-State further submits that the main witnesses are yet to be examined and therefore, releasing of the petitioner on bail will prejudice the trial.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

The allegations against the petitioner are very serious. As per the allegations, the petitioner stabbed the victim, who is a young girl, more than seven times and the injuries were declared as life threatening which fact is supported by the MLR. The recovery of knife has been done on the disclosure statement of the petitioner. At this stage, the material witnesses are yet to be examined and as the allegations against the petitioner are of stabbing a young girl in broad day-light, hence presumption that the same act can be repeated again by the petitioner if bail is granted to him, would not only influence the trial but will be dangerous for the witnesses and the victim as well, cannot be ignored as an apprehension.

In a recent judgment of Hon'ble the Supreme Court of India in the case of ***Sudha Singh Versus State of Uttar Pradesh and another, Criminal Appeal No.448 of 2021, decided on 23.04.2021***, it was held that no doubt the liberty of an accused is to be considered but not at the cost of the danger which the victim and the witnesses apprehend from the accused. Relevant para of the judgment is as under:-

“8. We find in this case that the High Court has overlooked several aspects, such as the potential threat to witnesses, forcing the trial court to grant protection. It is needless to point out that in cases of this nature, it is important that courts do not enlarge an accused on bail

with a blinkered vision by just taking into account only the parties before them and the incident in question. It is necessary for courts to consider the impact that release of such persons on bail will have on the witnesses yet to be examined and the innocent members of the family of the victim who might be the next victims.”

No ground is made out to grant the petitioner the benefit of bail as being prayed.

Dismissed.

It is clarified that nothing observed hereinabove, shall be construed to be an expression of opinion on the merits of the case, at this stage.

(HARSIMRAN SINGH SETHI)
JUDGE

30.04.2021
sandeep

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No