

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

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CRM-M-4822-2021

Date of Decision : February 08, 2021

RAVINDER

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present : Mr. Kuldeep Sheoran, Advocate
for the petitioner.

Mr. Ashok Singh Chaudhary, Addl. A.G., Haryana.

HARNARESH SINGH GILL, J. (Oral)

The prayer in the present petition is for grant of regular bail to the petitioner in case FIR No.285 dated 16.11.2020 under Sections 354-A, 452 and 506 IPC and Section 3(1)(w) of the SC and ST Act registered at Police Station Badhra, District Charkhi Dadri.

Counsel for the petitioner states that it is a case in which the complainant had 31 conversations with the petitioner on 15.11.2020 (wrongly mentioned as 11 conversations in the petition). He further states that the trial Court had sent for the call details, which were duly presented by the Investigating Officer, but the said fact was discarded by the trial Court observing that the mobile phone number is in the name of the husband of the complainant. Counsel for the petitioner further states that even as per the FIR, there is no allegation of caste remarks having been made by the petitioner and, thus, no offence under the SC and ST Act is made out in the present case. The petitioner has been in custody

since 17.11.2020 and out of 32 witnesses, none has been examined so far before the trial Court.

Learned State counsel has pointed out that there are serious allegations against the petitioner. However, he has not disputed the fact that out of thirty two witnesses, none has been examined.

I have heard the learned counsel for the parties.

The petitioner alleges a frequent conversation between him and the complainant. He further places heavy reliance upon the call details, which were sent for by the trial Court and were presented by the Investigating Officer. It is a disputed question as to whether the said reliance holds the ground or not and the same can only be determined during the course of trial on the basis of evidence led by the parties. The petitioner has been in custody since 17.11.2020 and no prosecution witness has been examined thus far. Thus, any further detention of the petitioner is not justified.

In view of the above, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/Duty Magistrate.

February 08, 2021
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(HARNARESH SINGH GILL)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No