

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

208

CRM-M No.8782 of 2021(O&M)

Date of Decision: 10.03.2021

Atma Ram

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. Hemant Bassi, Advocate for petitioner.

Mr. Manish Dadwal, Assistant Advocate General, Haryana.

Lalit Batra, J.(Oral)

Case has been taken up for hearing through Video Conferencing.

Present petition under Section 439 Cr.P.C is for grant of regular bail to petitioner-**Atma Ram** in case FIR No.05 dated 21.01.2021 under Sections 313, 323, 354-A (1) (i), 498-A and 506 IPC read with Section 34 IPC (Section 406 IPC added later on), registered at Police Station Women Police Station Fatehabad, District Fatehabad.

Learned counsel for the petitioner *inter alia* contends that version, as alleged in the FIR, is totally concocted one and there is no iota of truth therein. He further urges that marriage of victim-complainant (Yogita) and Ankush, son of petitioner, was solemnized on 28.04.2019. He further urges that though allegations of miscarriage without consent have been levelled by the victim-complainant, however, those allegations pertain to September, 2019, whereas at that point of time, no complaint qua said circumstance was ever made by victim-complainant to any of the authorities concerned. He further urges that on 02.10.2020, when petitioner along with his family members was present in his house, in the meanwhile, Joginder,

relation of victim-complainant along with ten/eleven persons while armed with deadly weapons committed trespass into his house and then they inflicted injuries on the person of petitioner as well as on the persons of his wife Raj Bala and sons namely Ankush and Anoop and further they had threatened them to face dire consequences and to this effect, FIR No.368 dated 03.10.2020, under Sections 148, 323, 452 and 506 IPC read with Section 149 IPC, was registered against the assailants at Police Station Sadar Fatehabad, District Fatehabad. He further urges that since Ankush and his family members were subjected to cruelty at the hands of victim-complainant, Ankush was constrained to file petition under Section 13 (i-a) of the Hindu Marriage Act, 1955 against victim-complainant seeking dissolution of marriage by decree of divorce on the grounds of cruelty and desertion and the said petition was instituted on 15.10.2020. He further urges that as a counter-blast to above said events, victim-complainant has raised numerous allegations against the petitioner and his family members, vide complaint dated 12.11.2020, which led to the registration of instant FIR. He further urges that co-accused Anoop has already been granted concession of pre-arrest bail by Sessions Court, vide order dated 18.02.2021 (Annexure P/6). He further urges that co-accused Raj Bala has been granted interim pre-arrest bail by this Court vide order of even date. He further submits that petitioner is in custody since 11.02.2021 and he is no more required by the Police for any investigation purpose. He further submits that since presentation of challan and consequent trial of the case would take sufficient time to conclude, no useful purpose would be served by keeping the petitioner in custody further and he may be released on bail.

On the other hand, learned State counsel while opposing instant petition has vehemently argued that keeping in view seriousness of offence, petitioner does not deserve the concession of bail.

I have heard learned counsel for the parties and have carefully gone through the contents of petition as well as record of the case.

At this stage, without commenting anything on the merits of the case lest it may prejudice the outcome of the trial but taking into consideration the fact that petitioner is in custody since 11.02.2021; that petitioner is no more required by the Investigating Agency for investigation purpose and since presentation of challan and consequent trial of the case would take sufficient time to conclude, no useful purpose would be served by detaining the petitioner in custody further, thus, he deserves the concession of bail.

In view of above, instant petition for grant of regular bail moved by petitioner-**Atma Ram** is allowed and he is ordered to be released on bail on his furnishing personal/surety bonds to the satisfaction of Trial Court/ Chief Judicial Magistrate/Duty Magistrate, Fatehabad, as the case may be.

(LALIT BATRA)
JUDGE

10.03.2021
D.Gulati

Whether speaking/ reasoned : Yes/No

Whether Reportable : Yes/No