

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.12018 of 2021

Date of Decision: March 19, 2021

Haripal @ Kala @ Bandar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Amit Choudhary, Advocate,
for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.373 dated 22.10.2017, under Sections 354, 452, 506 IPC, 1860 and Section 3 Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, registered at Police Station, Bhuna, District Fatehabad. The petitioner is in custody since his arrest on 03.09.2020.

The above FIR was registered on a complaint by Ritu, wherein it was stated that she belongs to Chamar caste and the accused was practising black magic and used to visit her home. On 21.01.2017, the accused had visited their home and he on the pretext of late night stayed at their home. At about 11.00 p.m., the accused desired to have tea and when her family members prepared tea, then accused mixed some unknown substance in the tea and he with his black magic power succeeded in laying her family members in a deep sleep. Thereafter, the accused started misbehaving with her and when the accused failed in his efforts, he went away after threatening that she and her family members would be done to

death. On these broad allegations, the above FIR was registered.

Learned counsel for the petitioner contends that the petitioner was previously declared proclaimed offender and was arrested in September, 2020. He submits that the investigation in the case is complete and as the challan was filed on 10.11.2020, however, the charges have not been framed so far. According to him, the trial is likely to take considerable time to conclude, therefore, he prays for bail.

On the other hand, the prayer is opposed by the learned State counsel, assisted by SI Kashmir Singh, on the ground that the petitioner being a tantrik stayed at the house of the complainant and tried to commit a wrong act with her. However, it is not disputed by him that the charges are yet to be framed.

After hearing the learned counsel for the parties, this Court finds that the trial is likely to consume considerable time as the charges have not been framed so far, therefore, considering the custodial period of the petitioner, this Court is of the opinion that the further custody of the petitioner may not be necessary for any useful purpose, who is presently confined in judicial custody after his arrest on 03.09.2020.

Resultantly, without meaning any expression of opinion on the merits of the case, the petition is allowed and it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate, Fatehabad.

March 19, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No