

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

**CRM-M No.26949 of 2020 (O&M)
Date of Decision: 24.11.2021**

Azad @ Jadu

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Anuj Balian, Advocate for the petitioner.

Mr. Kiran Pal Singh, AAG, Haryana for the respondent.

MAHABIR SINGH SINDHU, J.

Second petition has been filed under Section 439 Cr.P.C. for grant of bail pending trial to the petitioner in FIR No.135 dated 20.09.2019, under Sections 323, 427, 452, 509 of the Indian Penal Code, 1860; Section 3 of the Scheduled Castes and Scheduled Tribes (Preventive of Atrocities) Act, registered at Police Station Raipur Rani, District Panchkula.

2) The above FIR was registered on the basis of statement made by one Salochna Devi w/o Rajesh Kumar with the allegations that on 17.09.2019, her husband received a video-clip, in which co-accused, namely, Mam Chand was using obscene words against her. Besides this, in the alleged video, the voice of present petitioner and others could be heard. Thereafter, she reached in the house of Sarpanch and made a complaint against the accused persons. On this, Sarpanch called the petitioner as well

as co-accused at her house, but they did not come forward. After waiting for sufficient time, complainant as well as her husband reached back home. On the same day i.e. 17.09.2019 at around 08:30 PM, petitioner along with other persons, having *Lathis & Dandas*, trespassed her house and casteist remarks were made against them. When complainant and her husband tried to stop the accused persons, they started breaking the household goods; gave beatings to the complainant as well as her husband with *Dandas* and legs. On raising alarm, relatives of the complainant came there to rescue them from the clutches of accused, but they were also manhandled. Thereafter, neighbours came and saved them. While leaving the place of occurrence, accused persons threatened to kill. On 19.09.2019, Gram Panchayat tried to compromise the matter, but accused did not cooperate and refused to accept their guilt.

3) This Court, on 29.10.2020, passed the following order:-

“During the course of hearing, learned Counsel for the petitioner has apprised the Court that co-accused, namely, Mam Chand has already been granted the concession of regular bail by learned trial Court.

Let copy of the aforesaid order be placed on record.

Adjourned to 14.12.2020.”

Thereafter, on 14.12.2020, petitioner was granted interim bail by this Court while passing the following order:-

“Learned Counsel for the petitioner seeks more time for compliance of order dated 29.10.2020.

On his request, adjourned to 18.02.2021.

In the meanwhile, petitioner be released on interim bail in the present case till the next date of hearing on his furnishing adequate bail and surety bonds subject to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.”

4) Contends that in compliance of above order, petitioner is regularly appearing before the Court below. Also contends that co-accused of the petitioner has already been granted bail pending trial by learned trial Court.

Learned State counsel, on instructions, apprised the Court that trial is going on smoothly and petitioner is appearing on each and every date.

5) Since petitioner is regularly appearing before learned trial Court and there is no allegations that he is likely to threaten the witnesses or will hamper the trial in any manner.

6) In view of the above, this Court is of the opinion that sending the petitioner in custody at this stage would not serve any purpose. Consequently, the present petition is allowed and interim bail granted by this Court, vide order dated 14.12.2020, is confirmed. Petitioner be admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

Petitioner shall fully co-operate with the learned trial Court without seeking any unnecessary adjournments.

The above observations may not be construed as an expression of opinion on the merits of the case.

It is clarified that in case there is any misuse of concession of bail on the part of the petitioner, State of Haryana would be at liberty to move an appropriate application for recalling of this order.

November 24th, 2021

(MAHABIR SINGH SINDHU)
JUDGE

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<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes</i>