

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-42 of 2020
Date of decision:03.03.2021

Satish

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Ms. Monika Jangra, Advocate
for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

SUVIR SEHGAL, J. (Oral)

The Court has been convened through video conferencing due to Covid-19 pandemic.

The petitioner is seeking regular bail in case FIR No.207 dated 16.03.2019 registered under Sections 420, 406, 506 of Indian Penal Code, 1860 and Section 3(2) of Scheduled Castes and Schedule Tribes (Prevention of Atrocities) Act 1989 at Police Station City Bhiwani.

Counsel for the petitioner submits that the petitioner has been falsely framed in the FIR and the real accused is his brother Virender, who is the co-accused. She submits that brother of the petitioner had taken money from the complainant on the assurance of getting him Government job and the petitioner has been named simply because he is a family member. Still further, she submits that allegation regarding use of 'caste based word' against the petitioner is without any details as the 'caste based

word' has not been mentioned in the FIR. She urges that there is no allegation regarding making of alleged utterance in a public place or within public view. She has drawn support from the judgment of the Hon'ble Supreme Court in **Prathvi Raj Chauhan Vs. Union of India and others AIR 2020 SC 1036** . According to the counsel, investigation is complete, challan has been presented and the petitioner who is in custody since 01.04.2019 deserves to be enlarged on bail.

Per contra, State counsel upon instructions from ASI Dharambir has opposed the petition. He has made a reference to the reply filed on behalf of respondent-State by way of affidavit of Deputy Superintendent of Police, Bhiwani to submit that the investigating agency is in possession of the audio recording of both the accused with the complainant which has been sent to the FSL Madhuban for analysis and the FSL report is awaited. As per his instructions, the petitioner is involved in two other cases of similar nature and he has been convicted under Section 160 IPC. Still further, upon instructions, he submits that challan has been presented on 30.05.2019, charge has been framed on 09.08.2019 and 01 out of total 10 prosecution witnesses, has been examined.

I have considered the submissions of the parties.

Keeping in view the above facts and circumstances, incarceration of the petitioner which is of more than one year and 11 months, nature of allegations, the gravity of offence and the fact that trial is likely to take time, no purpose would be served by keeping the petitioner

behind bars any further.

Without commenting anything on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

It is clarified that any observation made hereinabove shall not be construed to be a reflection of opinion on the merits of the case.

The petitioner will furnish an undertaking to the effect that henceforth, he will not indulge in any criminal activity and in case, he violates the undertaking, it will be open to the prosecution to seek cancellation of the bail.

(SUVIR SEHGAL)
JUDGE

March 03, 2021
savita

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes/No