

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

CRM-M-10214-2022
Date of Decision: 17.03.2022

Raj Singh @ Pana

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Sandeep Sharma, Advocate
for the petitioner.

Mr. R.S. Arya, Addl. AG, Haryana.

JASGURPREET SINGH PURI, J.(ORAL)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in FIR No.294, dated 12.10.2021 under Sections 328, 452, 50 and 34 of IPC, 1860 registered at Police Station Sadar Dadri, District Charkhi Dadri, Haryana.

Learned counsel for the petitioner has submitted that the petitioner is in custody since 31.10.2021 and the investigation in the present case has already been completed and thereafter, report under Section 173 of Cr.P.C. has been presented and the matter is now fixed for consideration of charges on 11.04.2022. He submitted that it is a case where, as per the allegations, the petitioner along with some other person had forcibly administered some poisonous substance to the complainant. Thereafter, the complainant was admitted to the hospital and after her treatment, she was discharged. He submitted that the allegations were totally false. The petitioner has not done anything with the complainant and if at all something had been consumed by the complainant, it may have been done by the complainant herself and even otherwise also, the FIR in the present case was registered on 12.10.2021 and still the FSL report from the chemical examiner has not come and therefore, considering the total period of custody of the petitioner already undergone, the petitioner may be considered for the grant of regular bail.

On the other hand, learned State counsel has submitted that it is correct that the petitioner is in custody since 31.10.2021 and the investigation of the case has been completed and thereafter challan has been presented. He has submitted that although FSL report was sent for examination but the same has not been received as on date. He further submitted that the petitioner is involved in three more cases, out of which, two are under the NDPS Act.

I have heard the learned counsel for the parties.

The petitioner is in custody for the last about six months and no justification is coming forth as to why there is a delay in getting the report of the chemical examiner. It is yet to be ascertained as to whether the substance, if any, consumed by the complainant was toxic or not and furthermore, it is also yet to be ascertained if at all it was toxic, then whether it was forcefully administered or she had consumed on her own if at all. The trial of case may take a long time. So far as the involvement of the petitioner in the other three cases, out of which two were under the NDPS Act, is concerned, the same cannot become a ground for denial of bail to the petitioner.

Therefore, considering the totality of facts and circumstances of the present case, this Court deems it fit and proper to grant bail to the petitioner. Consequently, the present petitions is allowed and the petitioner is released on bail on his furnishing adequate bail/ surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Duty Magistrate, concerned.

It is made clear that the aforesaid observations would not mean anything on the merits of the case, as the same are only for the purpose of deciding the present petition.

(JASGURPREET SINGH PURI)
JUDGE

March 17, 2022
Manpreet

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No