

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(210)

CRM-M-13997-2022
Date of decision:- 05.08.2022

Jitender Saini

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Ms. Jasneet Mehra, Advocate for the petitioner.

Ms. Deepshikha Chauhan, AAG, Haryana for State-respondent.

SUVIR SEHGAL, J. (ORAL)

Instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 seeking grant of post-arrest bail in case FIR No.694 dated 24.08.2021, registered for offences under Sections 354-D and 509 of the Indian Penal Code, 1860 (for short "IPC"), at Police Station City Karnal, District Karnal, Annexure P-1.

Version of the prosecution is that FIR, Annexure P-1, has been registered on the complaint of a married lady on the allegation that the petitioner, who is her former colleague, stalks her and has been sending objectionable messages and e-mails on her official e-mail ID.

Counsel for the petitioner contends that the investigation qua the petitioner is complete, challan has been presented, charge has been framed against him under Sections 354-D and 509, IPC and the complainant stands examined. She submits that the complainant has been repeatedly lodging false complaints against the petitioner and the four other cases registered

against him are at the instance of the same complainant. She asserts that the petitioner, who is in custody since 14.11.2021, deserves to be enlarged on bail.

Per contra, State counsel, upon instructions from SI, Balwan Singh, has opposed the petition and has submitted that the petitioner is accused of repeated misbehavior with the complainant. She, however, has confirmed the fact that the victim has been examined.

Having considered the submissions made by counsel for the parties, this Court is prima facie of the view that the culpability of the petitioner in the offence would remain controvertible before the Trial Court. The petitioner, who is in custody for the last more than eight months, would be entitled to be released on bail as the offences alleged are triable by a Magistrate and trial is likely to take time to conclude.

Without adverting to the arguments addressed by counsel for the parties, petition is allowed. Petitioner is ordered to be released on bail during the pendency of trial, on furnishing adequate bail/surety bonds to the satisfaction of the Area Magistrate/Duty Magistrate concerned.

It is clarified that nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

(SUVIR SEHGAL)
JUDGE

05.08.2022

Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No