

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.222

CRM-M-15924-2022

Date of decision: 10.08.2022

Ikram

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Namit Khurana, Advocate, for the petitioner.

Mr. Karan Sharma, DAG, Haryana.

Mr. Sandeep Sharma, Advocate, for the complainant.

* * *

DEEPAK SIBAL, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.15 dated 23.01.2022 registered under Sections 354, 509, 323, 365, 511, 308 and 34 IPC and Sections 3(1)(xi) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 at Police Station Pratap Nagar, District Yamuna Nagar.

The case of the prosecution is that the petitioner, alongwith three of his co-accused, attempted to kidnap the victim and also caused injuries to her and her father which includes an injury on victim's head attracting the provisions of section 308 IPC.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in this case; the petitioner has no other criminal case pending against him; the petitioner has been in custody since 23.01.2022; all material witnesses have already been examined in the petitioner's trial; the alleged victim, her brother and her father have appeared in the petitioner's trial as PW-1, PW-2 and PW-3 respectively and in the course of their deposition they have stated that the petitioner had neither caused any injuries nor attempted to kidnap the alleged victim and that since in the petitioner's trial 10 prosecution witnesses still remain to be examined, the same will take a long time to conclude.

Learned State counsel opposes grant of bail to the petitioner on the ground that the petitioner attempted to kidnap the victim as

also caused injuries to her and her father.

The alleged victim, her brother and her father, while appearing before the Trial Court as PW-1, PW-2 and PW-3 respectively, have stated that neither the petitioner had attempted to kidnap the alleged victim nor caused any injury to her as also her father; the petitioner has been in custody since 23.01.2022; the petitioner does not face any other criminal case; all material witnesses in the petitioner's trial already stand examined and since in the petitioner's trial 10 prosecution witnesses still remain to be examined, the same is likely to take a long time to conclude.

Keeping in view the totality of the above facts, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Yamuna Nagar at Jagadhri, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

August 10, 2022
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(DEEPAK SIBAL)
JUDGE

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