

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

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**CRM-M-38204 of 2022 (O&M)
Date of decision : 31.08.2022**

Sandeep

.....Petitioner

VERSUS

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIVEK PURI

Present:- Mr. V.P . Sangwan, Advocate, for the petitioner.

Mr. Zorawar Singh, DAG, Haryana.

VIVEK PURI, J. (Oral)

Petitioner has prayed for grant of regular bail in case FIR No.0122 dated 26.04.2022 (Annexure P-1) under Sections 232, 354A, 452, 506 of IPC 1860, (Sections 354, 458, 376, 511 IPC added lateron) registered at Police Station Dadri Sadar, District Charkhi Dadri, Haryana.

Custody certificate of the petitioner dated 30.08.2022 has been filed by learned State counsel in Court today. The same is taken on record.

Briefly, the allegations against the petitioner are that on 26.04.2022, the prosecutrix was sleeping with her children in the house. During the midnight hours, the petitioner armed with knife entered the house of the complainant and pressed her neck. The prosecutrix gave push to him but petitioner assaulted her 3-4 times with his knife and had shouted that he intends to do wrong act with the prosecutrix or otherwise she will be killed. Petitioner also demanded keys of the *almirah* wherein, she has kept the jewellery. On hearing the alarm, the father-in-law of the prosecutrix was attracted at the spot. The petitioner even assaulted the father-in-law of the prosecutrix.

Learned counsel for the petitioner contends that initially the FIR was

registered with regard to offence under Sections 323, 354A, 452 and 506 IPC. The arrest of the petitioner was effected on 27.04.2022 and in terms of the order dated 02.05.2022, he was released on bail by the Court of learned Chief Judicial Magistrate (Duty). Subsequently, an application was moved for permission to arrest the petitioner as the offence under Sections 354, 458, 376 read with Section 511 IPC was added. The request was allowed without giving an opportunity of hearing to the petitioner and consequently, the arrest of the petitioner was effected on 01.06.2022.

The learned State counsel has not disputed the fact that initially the FIR was registered under Section 323, 354A, 452 and 506 IPC and the offence under Sections 354, 458, 376 read with Section 511 IPC have been added later on the opinion of the Deputy District Attorney. It may be mentioned here that the offence under Sections 354, 458, 376 read with Section 511 IPC have been added on the basis of allegations which have been levelled in the FIR. It is not a case that at the subsequent stage, the supplementary statement of the victim was recorded. Learned State counsel has also not disputed the fact that even in the statement under Section 164 Cr.P.C., the victim has levelled same allegations as reflected in the FIR. It may also be mentioned here that as per allegation in the FIR, the petitioner had assaulted the prosecutrix 3-4 times with the knife but as per MLR of the complainant, there was only a lacerated wound and complain of pain and there is no injury having been caused by sharp edged weapon.

The petitioner is in custody for a period of 3 months and 7 days. The investigating of the case is complete and the *challan* has been presented in the Court. The custodial interrogation of the petitioner is over and no fruitful

purpose would be served by detaining the petitioner in further custody. Without making any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

The petition is allowed.

31.08.2022
anil

(VIVEK PURI)
JUDGE

<i>Whether speaking/reasoned :</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>