

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRA-S No.886 of 2024 (O&M)

Date of decision: 10th April, 2024

Pawan

... Appellant

Versus

State of Haryana & others

... Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Sumit Sangwan, Advocate for the appellant.

Mr. Rajesh Gaur, Addl. Advocate General, Haryana
for the respondent/State.

Ms. Preeti Singh, Advocate for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

CRM No.14503 of 2024

In view of the averments made in the application and in the interest of justice, the same is allowed as prayed for. Documents (Annexures A-9 to A-14) are taken on record subject to all just exceptions.

CRA-S No.886 of 2024 (O&M)

1. The appellant is impugning the order dated 26.02.2024 passed by learned Additional Sessions Judge, Charkhi Dadri, vide which his application for grant of the concession of bail under Section 439 Cr.P.C. in case FIR No.0376 dated 27.11.2023 under Sections 323, 34, 342, 506 of the IPC, Section 75 of the Juvenile Justice (Care &

Protection of Children) Act, 2015, Sections 3(1)(a), 3(1)(d), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 registered at Police Station Dadri Sadar, Charkhi Dadri, had been dismissed.

2. In compliance of order dated 07.03.2024, learned State counsel has filed affidavit of Subhash Chander, HPS, DSP Charkhi Dadri along with MLR of the complainant today in the Court, which is taken on record subject to all just exceptions and a copy thereof supplied to learned counsel opposite.

3. A perusal of the MLR along with the medical opinion of the treating doctor of the complainant reveals that the injuries allegedly received by the complainant at the hands of the appellant and other accused were all found to be simple in nature.

4. Learned counsel for the appellant has submitted that in fact there was a history of strained relations between the parties as the complainant had been stalking his young daughter and it was in that background, a false case was planted upon the appellant and the co-accused. It has been further submitted that a perusal of the allegations levelled in the FIR in question also clearly hints towards a fabricated and exaggerated version having been brought forth as it had been alleged that the appellant was not only assaulted but was given electric shocks, however, copy of the MLR, which has been placed on record today along with the affidavit of the DSP, is completely silent qua the

said fact. Learned counsel has, therefore, submitted that in the aforementioned facts and circumstances, more so, since the investigation is complete and challan stands presented, further incarceration of the appellant would serve no useful purpose as 24 witnesses have been cited by the prosecution, and therefore, there is no likelihood of the trial concluding in the near future.

5. Per contra, learned State counsel assisted by learned counsel for the complainant, has vehemently opposed the prayer and submissions made by the counsel opposite. However, both the counsel have not been able to controvert that as per the medico legal report of the complainant, which has been annexed as Annexure R-3 with the affidavit of the DSP, all the injuries allegedly sustained by the complainant were found to be simple in nature. Learned State counsel, on further instructions, has also not disputed the stage of the trial. He submits that the charges are likely to be framed on the next date of hearing fixed before the trial Court.

6. I have heard learned counsel for the parties and perused the relevant material on record.

7. The appellant has now been in custody since 27.12.2023 and there is no likelihood of the trial concluding in the near future as the prosecution evidence is yet to start and as many as 24 witnesses have been cited by the prosecution. In the facts and circumstances, as enumerated hereinabove, this Court thus deems it fit to extend the

concession of bail to the appellant. The appeal as such is allowed and the appellant is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

April 10, 2024
rps

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