

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

CRM-M-17273-2015

Date of decision: July 07, 2015

Vijay @ Pinki

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Rajbir Sehrawat, Advocate
 for the petitioner.

 Mr. Rohit Arya, AAG, Haryana
 for the respondent-State.

JASPAL SINGH, J.

The instant petition has been preferred under Section 439 of Criminal Procedure Code by Vijay @ Pinki seeking bail in case FIR No.474 dated 27.11.2014, under Sections 498-A, 328 of Indian Penal Code registered at Police Station Sadar Bahadurgarh, District Jhajjar, during the pendency of the trial.

Briefly stated, the case of the prosecution is that petitioner-Vijay @ Pinki along with his other family members subjected Ms. Poonam Devi to cruelty on account of demand of dowry and also caused hurt by administering some poisonous substance. The FIR was registered on the basis of the statement of Jai Singh (father of the victim).

The contention of learned counsel for the petitioner is that the petitioner as well as his co-accused have been falsely implicated in the instant case by the complainant. In fact, petitioner has nothing to do with the commission of the alleged offence. He is also not even prima facie connected with it. Earlier also, petitioner was falsely implicated by Ms. Poonam Devi

and her family members while registering FIR No.41 dated February 25, 2005, Police Station Sadar, Bahadurgarh, under Section 498-A and 304-B read with Section 34 of IPC, in which, the petitioner as well as his co-accused have already been acquitted.

It has further been submitted by learned counsel for the petitioner that Ms. Poonam Devi is habitual of making false complaints and due to the said reason, petitioner as well as his co-accused have already been acquitted in a case previously registered against them. Moreover, petitioner is already in custody since December 03, 2014. He is no more required for further interrogation. Disposal of the trial is also likely to take sufficient long time. He is also ready to comply with the terms and conditions imposed by the Court, in case he is granted the concession of bail.

On the other hand, learned State counsel has strongly opposed the submissions made by learned counsel for the petitioner. He has argued vehemently that earlier also, FIR No.41 dated February 25, 2005 was registered against the petitioner and his other family members on account of dowry death of Snehlata by administering poison and that case was got registered by Ms. Poonam Devi (present victim). No doubt, the petitioner as well as his other family members have been acquitted in the said dowry death case but due to the reason that the complainant as well as other witnesses had turned hostile just to create harmony and peace in the family. Even then the petitioner and his family members did not desist their unlawful act and subsequent thereto, they forcibly administered poisonous substance to Ms. Poonam Devi who was rushed to the hospital in a serious condition. Thus, petitioner does not deserve the concession of bail. Learned State counsel accordingly, prayed for the dismissal of the petition.

made by learned counsel for the parties and have perused the records available.

Undisputably, earlier on account of death of Snehlata, FIR No.41 dated February 25, 2005 was registered at the instance of Ms. Poonam Devi qua petitioner as well as his other family members. Though they were acquitted but despite that fact, there was no peace and harmony in the family. There are specific allegations that poisonous substance was administered by the petitioner as well as his other family members due to which, Ms. Poonam Devi fell unconscious and in a serious condition, she was rushed to the hospital through Sanjay (brother of the petitioner). Earlier also complainant-Jai Singh (father of the ill-treated girl) has lost one of his daughters and now again he was going to loose the life of his another daughter who was likely saved. The mere fact that the petitioner is in custody since December 03, 2014 is itself no ground to extend the concession of bail, especially, in view of the fact that there are serious and grave allegations against the petitioner and further that there is every likelihood of the accused being absconding or fleeing away in case of his release on bail.

Taking into consideration the aforesaid aspects of the case but without expressing any opinion on merits, this Court does not find any merit in the instant petition. As such, the same is dismissed.

July 07, 2015
m. sharma

(JASPAL SINGH)
JUDGE