

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-26354 of 2015

Date of decision:- August 17, 2015

Surender Singh

....Petitioner...

versus

State of Haryana

....Respondent...

CORAM:- HON'BLE MR. JUSTICE JASPAL SINGH

Present:- Mr. K.S. Dhaliwal, Advocate,
for the petitioner.

Mr. N.K. Sharma, DAG, Haryana.

1. Whether Reports of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Jaspal Singh, J. (Oral)

This is a second petition under Section 439 of the Code of Criminal Procedure preferred by Surender Singh, seeking bail during pendency of trial, in case FIR No. 26, dated 29.01.2015, under Sections 498-A, 328 and 34 IPC, Police Station Safidon, District Jind, as first petition preferred by him was dismissed as withdrawn May 01, 2015.

2. Instant case was registered on a complaint lodged by Ritu Saini to Chowki Incharge, P.S. Safidon. Translation version of the FIR is as under:-

“To the Chowki Incharge, P.S. Safidon. It is stated that my name is Ritu aged about 26 years. The name of my husband is Surender Singh s/o Ram Mehar Singh caste Saini r/o Village Singhpura. I have been

married for more than 2 years. At the time of my marriage my father had given sufficient dowry beyond his capacity. I had given a complaint in this regard but we settled the matter in the panchayat that neither will we demand dowry nor will they beat me. But on dated 26.01.2015 they demanded dowry in which they demanded Rs.25 lakhs on the pretext of buying land and when I refused to obey their order then they beat me during the night and also tried to burn me. The burn marks are still on my body. In the morning my husband gave me medicine for stomach ache and when I refused to take that medicine then my husband and father in law caught hold of me and my mother in law forcibly administered the medicine to me. My husband's grand mother, my father in law, my husband and my mother in law are involved in this conspiracy. Strict legal action be taken against them and I shall be given justice.”

3. The contention of learned counsel for petitioner is that as per allegations levelled by prosecution, petitioner raised a demand of R25 lacs by way of dowry on the pretext of buying land, on her refusal, she was not only harassed and given beatings but petitioner and his parents also tried to burn her. In the morning, she was being provided with medicine for stomach pain but when she refused to take that medicine, petitioner and his father caught hold of her and mother of petitioner forcibly administered medicine to her. But these allegations are absolutely wrong. Some pale yellow coloured liquid stated to be vomit Ex.1c and two blood samples Exs. 1a and 1b were sent to Forensic Science Laboratory, Haryana, Madhuban, Karnal (for short, 'FSL') during investigation of this case and as per report “*no common poison could be detected in exhibits 1a and 1b whereas Emyleamate and Methadone was*

detected in Ex.1c” stated to be medicine. Father as well as mother of petitioner have already been found innocent during investigation of this case. Moreover, challan has already been presented, disposal of which is likely to take sufficient long time. Petitioner also undertakes to comply with all the terms and conditions imposed by this Court, in case, he is granted concession of bail.

4. Per contra, learned State counsel has strongly opposed the petition submitting that there are specific and serious allegations against petitioner that he raised a demand of R25 lacs, may be on the pretext of purchasing some agricultural land, but it amounts cruelty and falls within the ambit of Section 498-A IPC. Not only this, petitioner also tried to commit murder of his wife by forcibly administering poison. Therefore, he does not deserve the concession of bail.

5. This Court has given an anxious thought to the rival submissions made by learned counsel for the parties and has meticulously gone through the records available.

6. It is an admitted that after the registration of instant case, parents of petitioner have already been found innocent. Some pale yellow coloured liquid stated to be vomit Ex.1c and two blood samples Exs. 1a and 1b were sent to FSL and as per report “*no common poison could be detected in exhibits 1a and 1b whereas Emyleamate and Methadone was detected in Ex.1c stated to be medicine*”. Report of FSL creates some suspicion with regard to the allegation levelled by complainant. Moreover, investigation is complete, report under Section 173 (2) Cr.P.C. has already been presented and case is now pending trial, disposal of which

is likely to take sufficient long time.

7. In view of the facts discussed above but without expressing any opinion on the merits of the case, this Court finds that a case is made out to exercise the discretion under Section 439 Cr.P.C. Accordingly, petition is allowed and petitioner is ordered to be released on bail at the satisfaction of Id. Trial court/Duty Magistrate, Jind.

8. It is also made clear that any observation made in this case shall have no bearing on the merits of the main case.

August 17, 2015
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(JASPAL SINGH)
JUDGE