

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-10868 of 2016 (O&M)

DATE OF DECISION: 07.04.2016

Sunil Kumar

.....Petitioner

Versus

State of Punjab and another

.....Respondents

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

1. Whether reporters of local newspaper may be allowed to see judgment? (Yes/No)
2. To be referred to reporters or not? (Yes/No)
3. Whether the judgment should be reported in the Digest? (Yes/No)

Present:- Mr. Vikas Cuccria, Advocate
for the petitioner.

DAYA CHAUDHARY, J.

Crl. Misc. No. 11586 of 2016

This application has been filed for placing on record Annexures P-3 and P-4 (colly).

Application is allowed and Annexures P-3 and P-4 (colly) are taken on record.

Crl. Misc. No. M-10868 of 2016

The present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No. 0026 dated 1.3.2016 registered under Sections 498-A and 307 IPC at Police Station Goraya, District Jalandhar.

Learned counsel for the petitioner contends that the petitioner

is husband of respondent No.2 and were residing separately from other family members on the other floor in the same house. Learned counsel further contends that the differences between the parties were of temperamental nature and no offence is made out against the petitioner. Neither any complaint was made to the police earlier nor any specific date and time has been mentioned in the present FIR. Learned counsel also contends that the complainant was taken to the hospital by the petitioner himself and best treatment was given. The petitioner is ready to join the investigation and to abide by all the terms and conditions to be imposed by this Court or by the Investigating agency.

Heard the arguments advanced by learned counsel for the petitioner and have also gone through the allegations levelled in the FIR and other documents available on the file.

As per the allegations in the FIR, mother-in-law of the complainant, namely, Kailashwati and husband-Sunil Kumar used to torture her daily. On the date of incident i.e. 28.2.2016, the petitioner-husband came to the house during night time and started giving beatings to the complainant. He pulled her from hair and gave kick blows in her abdomen. When her daughter came forward to save her, her father-in-law, namely, Om Parkash also pulled her daughter from hair and threw her on the ground. Thereafter, the daughter of the complainant made a call at 100 number but in the meantime, all the accused persons poured kerosene oil upon the complainant and set her ablaze with match box. The door of the room was closed by her parents in law and nobody was allowed to go inside the room. It is also mentioned in the FIR that with great difficulty the daughter was able to open the door and thereafter the injured-complainant was got admitted in the hospital.

Complainant along with her counsel is present in Court today.

A bare look of the complainant shows that there are burn injuries on her hand and face.

Not only the complainant was harassed but kerosne oil was also poured upon her. She was also set on fire after pouring kerosene oil. The complainant remained admitted in the hospital and it was only her son and daughter who rescued her. Even in the documents of the hospital, which have been shown by learned counsel for the complainant, nowhere it has been mentioned that the complainant was got admitted by the petitioner.

The benefit of anticipatory bail can be granted by considering the nature of allegations and nature of offence as well as the conduct of the accused. In the present case, not only the complainant has been harassed but she also was put in such a condition where her survival was not certain.

Keeping in view the nature of offence, injuries and role of the petitioner, no ground is made out to grant anticipatory bail to him. The petition being devoid of any merit is hereby dismissed.

However, it is made clear that any observation made hereinabove shall not be construed as an expression of opinion on the merits of the case.

April 07, 2016
pooja

(DAYA CHAUDHARY)
JUDGE