

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

CRM-M No. 13672 of 2017(O&M)

Date of decision: 3.5.2017

Brij Mohan

....Petitioner

VERSUS

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Anil Kumar Sharma, Advocate for the petitioner.

Mr. Vikas Malik, DAG, Haryana.

REKHA MITTAL, J.(Oral)

The petitioner prays for grant of regular bail in FIR No.449 dated 10.09.2016 registered with Police Station Sampla, District Rohtak (Haryana) for offence punishable under Sections 307, 323, 498-A read with Section 34 of the Indian Penal Code, 1860 (in short 'IPC') (offence under Section 302 IPC added later).

Counsel for the petitioner has submitted that Sonia wife of Jai Bhagwan @ Bunty to whom a similar role has been attributed was allowed bail in anticipation of arrest by this Court vide order dated 15.03.2017. Another co-accused similarly situated namely Jai Bhagwan @ Bunty has been allowed regular bail on 15.02.2017. It is further submitted that the petitioner has not been attributed any role in regard to pouring oil upon the deceased or setting her ablaze and the said act has been attributed to the mother in law and brother in law, respectively, of the deceased, Reena. It

is further submitted that on completion of investigation, challan has been presented in the Court and conclusion of trial is likely to take its own time.

Counsel for the State has not disputed factual assertions but opposed the prayer for bail with the submission that FIR has been registered on the basis of statement (dying declaration) of the deceased and offence under Section 302 IPC is grave in nature.

I have heard counsel for the parties, perused the paper-book and police records.

Concededly, the role attributed to the present petitioner and the co-accused Sonia and Jai Bhagwan @ Bunty is identical. Sonia and Jai Bhagwan have been allowed benefit of pre-arrest bail and regular bail, respectively. On completion of investigation, report under Section 173 Cr.P.C has already been filed in the Court. There is no allegation against the petitioner that he is likely to flee from the process of justice, in case enlarged on bail.

Without meaning to express any opinion on merits of the case, the petitioner shall be released on bail subject to satisfaction of the trial Court. However, he shall abide by the following conditions:-

- (i) he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of the case so as to dissuade him/her from disclosing such facts to the Court;
- (ii) he shall not leave India without previous permission of the Court.

MAY 3, 2017
'D. Gulati'

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no