

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

**CRM No.M-1899 of 2017
Date of decision: 31.01.2017**

Jasbir

....Petitioner

Versus

State of Haryana and another

....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. S.P. Chahar, Advocate
for the petitioner.

Mr. Amrik Singh Narwal, DAG, Haryana.

Mr. Jasbir Singh Mor, Advocate
for the complainant.

REKHA MITTAL J.

The present petition has been filed under Section 438 of the Code of Criminal Procedure (in short 'Cr.P.C.') seeking pre-arrest bail in FIR No.679 dated 23.11.2016 under Sections 498-A, 406, 323, 328, 506 read with Section 34 of the Indian Penal Code (in short 'IPC') registered at Police Station Meham, District Rohtak.

Counsel for the petitioner has submitted that false allegations of demand of dowry have been raised to implicate the petitioner and his family members. Marriage of the petitioner was solemnized with the complainant on 23.11.2008 in a very simple manner and no dowry was taken or demanded by the petitioner or his family members. It is further argued that the present FIR has been lodged as a counter blast to the divorce petition filed by the petitioner

on 06.10.2016 in which notice to the complainant/respondent was issued for 16.11.2016. It is vehemently argued that the allegations with regard to administering poison to the complainant at the behest of the petitioner and others constituting offence under Section 328 IPC gets belied and falsified from the fact that the complainant did not go to Civil Hospital, Meham for treatment, situated at a distance of 500 metres from house of the petitioner or PGIMS, Rohtak at a distance of 35-40 kms but she purportedly took treatment in Hisar which is at a distance of 70 kms. It is further argued that as the petitioner is working in the police department of Haryana, there is no possibility of his fleeing from process of justice even if allowed pre-arrest bail. The last submission made by counsel is that custodial interrogation of the petitioner is not required and he is ready to join investigation and co-operate throughout.

Counsel for the State of Haryana assisted by Mr. J.S. Mor, Advocate, counsel for the complainant has strongly opposed the plea for grant of bail. It is argued that when the victim was forced to drink tea containing poison, she got an opportunity to contact her parental family and as a result, father of the complainant along with some other person reached village Kishangarh, Tehsil Meham, matrimonial house of the complainant. She was moved to General Hospital, Meham, Rohtak for treatment on 21.11.2016 and she was found unconscious, duly recorded in the prescription slip. On the very same day, she was admitted in Maharaja Agrasen Medical College and Hospital, Agroha, Hisar and was discharged from the hospital on 25.11.2016. It is further argued that before the complainant was shifted to Maharaja Agrasen

Medical College and Hospital, Agroha, Hisar she was examined in General Hospital, Hisar and in the medico legal report, it has been specifically mentioned *“history of ingestion of unknown substance: Preliminary treatment was done at General Hospital, Meham; patient was referred to PGIMS, Rohtak but they brought the patient to General Hospital, Hisar”*. It is further argued that sealed blood sample and sample of vomiting were handed-over to the police for examination in a Forensic Science Laboratory. It is argued that as the victim was examined in 02 government hospitals before she was taken to Maharaja Agrasen Medical College and Hospital, Agroha (Hisar), it belies plea of the petitioner that no such occurrence dated 21.11.2016 had actually taken place.

I have heard counsel for the parties, perused the paperbook and copies of the documents made available during the course of hearing.

The complainant has levelled grave allegations against the petitioner and her mother-in-law with regard to giving her tea containing poison. The petitioner – husband is a member of disciplined force. There is every likelihood of his tampering with the investigation in case he is allowed benefit of pre-arrest bail.

Keeping in view gravity of allegations coupled with that custodial interrogation of the petitioner would elicit the details in regard to occurrence dated 21.11.2016, I do not think it to be a fit case wherein the petitioner deserves to be allowed pre-arrest bail, a concession to be allowed in case the Court arrives at a conclusion that a false case has been registered with vengeance or due to political

vendetta.

For the foregoing reasons, the petition is dismissed.

(REKHA MITTAL)
JUDGE

31.01.2017
yakub

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