

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

**Criminal Misc. No. M-23525 of 2017
Date of Decision:-27.09.2017**

Saroj

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present:- Mr. Surender Saini, Advocate
for the petitioner.

Mr. Pardeep Sharma, AAG, Haryana.

FATEH DEEP SINGH J.(Oral)

The allegations against the petitioner Saroj in the present anticipatory bail application filed under Section 438 Cr.P.C. in FIR No.203 dated 25.5.2017, under Sections 307, 323, 302, 34 IPC, Police Station Sadar, Sonapat, are that on 24.5.2017 on account of matrimonial dispute, the victim Darshana (since deceased) wife of Sunil was physically assaulted by mother-in-law Birmati and sister-in-law Saroj (present petitioner) along with brother-in-law Bhola with the remarks that today they will finish her off and in the process after pouring kerosene oil upon Darshana by both the ladies Birmati and Saroj, Bhola set her ablaze with match-box, leading to multiple burnings resulting into death of Darshana.

The contention of learned counsel for the petitioner are that there is no specific role attributed to the petitioner Saroj and laid much stress on the point that husband of deceased could have registered the FIR and that the petitioner has falsely been implicated in the case.

Learned State counsel has not disputed the factual scenario but opposed the grant of bail to the petitioner on the ground that the petitioner has committed heinous and serious crime by participating, the offence in which the deceased has put to fire.

Appreciating the submissions, the very own testimony made by the deceased at the time of her death which tantamounts to dying declaration in terms of Section 32 of the Indian Evidence Act leads no scope to doubt the veracity of the statement and the role assigned to the petitioner, no case for grant of anticipatory bail under Section 438 Cr.P.C. is made out.

Dismissed.

September 27, 2017
Vijay Asija

(FATEH DEEP SINGH)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No