

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

**Criminal Misc. No.M-23714 of 2017(O&M)
Date of Decision: December 12, 2017.**

Rohtas Kumar

Petitioner.

Versus

State of Punjab

Respondent

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: None for the petitioner.

Mr.Saurav Khurana, DAG, Punjab.

LISA GILL, J.

The petitioner prays for bail pending trial in FIR No. 122 dated 27.11.2016, under Sections 307, 498-A, 34 IPC, registered at Police Station Badhni Kalan, District Moga.

It is submitted that the petitioner never demanded any dowry from his wife. Incorrect allegations, it is urged have been levelled that the petitioner alongwith other co-accused poured oil upon her and tried to set her on fire due to which she received burn injuries. He has been in custody since 01.12.2016. The complainant as well as the victim i.e. the petitioner's wife have since deposed before the learned trial Court. It is submitted that the petitioner undertakes to deposit a sum of ₹50,000/- towards part of the expenses incurred on the treatment

of his wife within three weeks of his release from custody in case the concession of bail is afforded to him. He is not involved in any other criminal case. Therefore, it is prayed that this petition be allowed.

Heard learned counsel for the parties.

It is verified by learned counsel for the State that the complainant as well as the victim in this case have since testified before the learned trial Court. The victim in this case was discharged from hospital on 26.12.2016. Nine prosecution witnesses are yet to be examined in this case. Learned counsel for the State, on instructions from ASI Darshan Singh, verifies that the petitioner is not involved in any other criminal case. No recovery is to be effected from him.

There are no allegations on behalf of the State that the petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts in Court, if released on bail. No useful purpose would be served by keeping the petitioner incarcerated any longer in the facts and circumstances of this case.

Keeping in view the facts and circumstances as above but without commenting upon or expressing any opinion on the merits of the case, this petition filed by petitioner-Rohtas Kumar, is allowed. The petitioner be released on bail pending trial subject to his furnishing requisite bail bonds and surety to the satisfaction of the learned Trial Court.

It is further directed that in terms of the undertaking before this Court but without prejudice to his rights, a sum of ₹50,000/- be deposited by the petitioner before the learned trial Court within three weeks from his release. The said amount be released to the victim in this case to defray part of the expenses incurred on her treatment. It is clarified that this amount shall not be set off towards any other claim of maintenance etc. which the petitioner's wife may have

against him.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

12.12.2017

s.khan

[LISA GILL]

Judge

Whether speaking/reasoned

:

Yes/No.

Whether reportable

:

Yes/No.