

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

CRM-M No. 40534 of 2016(O&M)

Date of decision: 15.3.2017

Vijay Randhawa

....Petitioner

VERSUS

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. R.S. Rai, Senior Advocate with
Mr. Keshav Partap Singh, Advocate for the petitioner.

Ms. Dimple Jain, AAG, Haryana.

Mr. Rakesh Dhiman, Advocate for the complainant.

REKHA MITTAL, J.(Oral)

The petitioner prays for grant of regular bail in FIR No.142 dated 16.06.2016 registered with Police Station Sector 56, Gurgaon for offence punishable under Sections 323, 328, 147, 149, 506, 354-A and 498-A of the Indian Penal Code, 1860 (in short 'IPC').

Counsel for the petitioner has submitted that as per the allegations raised by the complainant, on 15.06.2016 her mother-in-law gave her milk-shake which she did not drink completely because it was extra sweet but thereafter she felt sleepy. At about 11:20 AM, her mother-in-law, husband and Ripu Dhir (nephew) came in her room. Her husband grabbed her hand, Ripu Dhir grabbed her legs and his mother-in-law put crushed powder of coil meant for killing mosquitoes in her mouth and she became unconscious but did not lose consciousness completely. It is argued that during investigation, mother in law of the complainant and so

also her brother-in-law against whom allegations qua offence under Section 354-A IPC have been levelled were declared innocent. On completion of investigation, challan has been presented and conclusion of trial is likely to take its own time. The last submission made by counsel is that the petitioner is in custody since 23.09.2016 and is no longer required for any purpose except to face the trial and he is ready to face the proceedings, without any default subject to the conditions that may be imposed by this Court.

Counsel for the State assisted by counsel for the complainant would submit that as per report received from the Regional Forensic Science Laboratory, Bhondsi (Gurgaon) Haryana, Pyrethroid was detected in exhibit-I sufficient to corroborate allegations of the complainant with regard to putting crushed powder of coil meant for killing mosquitoes in her mouth. It is further submitted that the complainant has submitted representations (Annexure C-8 and C-9) expressing her grievance with regard to exonerating brother-in-law of offence under Section 354-A IPC.

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

The complainant arrived at Artemis Hospital, Gurgaon on 15.06.2016 at 1:12 PM and all her vitals like pulse rate, B.P. etc. were found to be normal. It was noticed that she was conscious and oriented. There was no injury found on mouth of the complainant as a sign of struggle while the white powder was allegedly put in her mouth by her mother-in-law. On completion of investigation, challan has been presented in the Court and conclusion of trial is likely to take its own time. There are no allegations against the petitioner that he is likely to flee from the

process of justice in case enlarged on bail. Without dilating further, lest it may cause prejudice to either of the parties during trial, the petitioner shall be released on bail subject to furnishing bail bonds to the 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.

MARCH 15, 2017

‘D. Gulati’

(REKHA MITTAL)

JUDGE

Whether speaking/reasoned :

yes/no

Whether reportable :

yes/no