

**IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH**

Criminal Misc. No.M- 6083 of 2017(O&M)

Date of Decision: April 5 , 2017.

Vikram PETITIONER (s)

Versus

State of Haryana RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Virender Soni, Advocate
for the petitioner.

Mr. Anmol Malik, AAG, Haryana.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL, J.

The petitioner prays for bail pending trial in FIR No.176 dated 19.07.2016 under Sections 294/323/306/376/506/511 IPC registered at Police Station Barauda District Sonapat.

It is submitted that both the petitioner as well as the deceased were students at the ITI Butana. They were known to each other. Reference is made to messages exchanged between the petitioner and the deceased on their mobile phones. These messages form a part of the challan/final report under Section 173 Cr.P.C. Learned counsel for the petitioner has vehemently argued

that the present is in fact a case of honour killing by the family of the deceased when they came to know about the friendship/relations between the petitioner and the deceased. It is submitted that in the Medico Legal Report (Annexure P1) issued by the Oscar Trauma Super Speciality Hospital, Rohtak it is mentioned that injuries were present on the victim's body. She was put on ventilator support after she was brought to the hospital on 19.07.2016 at about 1.30 p.m. She suffered a respiratory and cardiac arrest at 5.50 p.m. on the same day as per the said medical report (Annexure P2). However, in the post-mortem examination it is mentioned that no injury was found on the person of the deceased. In the final report under Section 173 Cr.P.C.(Annexure P4), it is mentioned that ASI Subhash Chand alongwith others proceeded to the Oscar Hospital, Rohtak and obtained a Ruqa and MLR bearing CR No. 7441 dated 19.07.2016 in respect of the deceased. As per the Ruqa, the victim was brought dead. There are material discrepancies in the prosecution version. It is contended that it is highly debatable whether the offences punishable under Sections 294/323/306/376/506/ 511 IPC are attracted in this case. The petitioner has been in custody since July 2016. He is a student. Therefore, this petition be allowed.

Learned counsel for the State submits that the cause of death of the victim is poisoning. There are clear-cut allegations against the petitioner. Thus this petition be dismissed. However, the medico legal report, post-mortem report as well as the messages on the mobile phones exchanged between the petitioner and the deceased are not denied. It is also not denied that the petitioner alongwith the victim were students at ITI Butana.

The petitioner is not involved in any other case. The charge in this case was framed on 03.01.2017. Twenty three (23) prosecution witnesses are to be examined in this case. It is apparent that trial in this case is not likely to conclude in the near future.

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 the Court, if released on bail.

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 Vikram is allowed. The petitioner shall be released on bail pending trial subject to his furnishing requisite bail bonds and surety bonds to the satisfaction of the learned Trial Court.

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.

April 5 , 2017.
'om'

(**LISA GILL**)
JUDGE

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