

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

Criminal Misc. No.M- 6180 of 2017(O&M)

Date of Decision: April 24 , 2017.

Rafiq PETITIONER (s)

Versus

State of Haryana RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Saleem Ahmed, 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.

This is the second petition filed by the petitioner for grant of anticipatory bail in FIR No.240 dated 27.12.2016 under Section 306 IPC registered at Police Station Nagina, District Mewat. His first bail application was permitted to be withdrawn with liberty to file afresh with better particulars.

It is contended that the petitioner has been falsely implicated in this case. Bare reading of the FIR does not disclose the offence punishable under Section 306 IPC as necessary ingredients constituting the said offence are not available. Furthermore, as per the post-mortem report of the deceased,

no injury was found on her person thereby falsifying the averment that the deceased was subjected to physical abuse at the hands of the petitioner.

Learned counsel for the petitioner vehemently argues that there were no money transactions between the petitioner and the complainant. In fact, the complainant himself is addicted to alcohol and indulged in gambling. The complainant, as it is submitted, suffered a loss of ₹30,000/- while gambling. It was due to this reason that a dispute arose between the complainant and his wife i.e. the deceased. Reference is made to a note (Annexure P2) allegedly suffered by a member Panchayat of village Dhadola, Police Station Nagina, District Mewat and other residents. It is submitted that an application (Annexure P3) was also moved before the Superintendent of Police, Mewat regarding the false implication of the petitioner. Furthermore, the petitioner has joined investigation. No recovery is to be effected from him. Therefore, this petition be allowed.

Learned counsel for the State, on instructions from SI Dalbir Singh, submits that the petitioner has joined investigation pursuant to interim order dated 03.03.2017 passed by this Court. It is not denied that as per the post-mortem report, no injury was found on the person of the deceased. Cause of death is aluminum phosphide poisoning. It is affirmed that the petitioner is not involved in any other case.

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 is allowed. Consequently, order dated 03.03.2017 is made absolute.

April 24 , 2017.
'om'

(LISA GILL)
JUDGE

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