

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

-.-

Crl. Misc. No. M 9393 of 2017

Date of decision: 01.06.2017

*Jaibir*

*.....Petitioner*

*Versus*

*State of Haryana*

*.....Respondent*

**Coram: Hon'ble Mrs. Justice Rekha Mittal**

-.-

Present: Mr. Vishwajeet Singh, Advocate for  
Mr. Jitesh Bhardwaj, Advocate  
for the petitioner

Ms. Dimple Jain, AAG, Haryana

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**Rekha Mittal, J.** (Oral)

The petitioner prays for grant of regular bail in FIR No. 608 dated 06.07.2016 for offence punishable under Sections 304-B and 328 read with Section 34 of the Indian Penal Code registered with Police Station City Hisar, District Hisar.

Counsel for the petitioner has submitted that the petitioner was arrested on 16.07.2016 and challan has been presented in the Court but conclusion of trial is likely to take its own time. The prosecution till date has examined only four out of eighteen witnesses cited in the challan. The victim of the crime recorded her statement on 05.07.2016 stating therein that she had consumed tea containing some old medicines as she had pain in her stomach. Her husband came to the house and he also consumed the same tea. It is further argued that both husband and wife were admitted in

the Hospital for treatment but unfortunately, Jyoti died and the petitioner survived. It is further submitted that in view of version given by the deceased herself, story propounded by the complainant after death of Jyoti becomes doubtful. The last submission made by Counsel is that the petitioner is ready to face proceedings in accordance with law.

Counsel representing the State of Haryana has opposed the prayer for bail with the submission that as per report of the Forensic Science Laboratory, aluminium phosphate was detected in the samples. It is further argued that the victim might not have been in a fit state of mind to record her voluntary statement, relied upon by the petitioner. The last submission made by Counsel is that in view of gravity of allegations, the petitioner does not deserve to be enlarged on bail.

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

On a query raised by the Court, Counsel for the State has informed that opinion given by the doctor in regard to fitness of the victim to make a statement and statement recorded on 05.07.2016 is a part of challan presented by the prosecution. Perusal of statement of the victim would substantiate plea of the petitioner. It is also not disputed that the petitioner was also admitted in the hospital and aluminium phosphate has been found in the samples taken from his body. Only four witnesses have been examined till date. Conclusion of the trial is likely to take its own time. There is no allegation that the petitioner is likely to flee from process of justice in case enlarged on bail.

Without commenting upon merits of controversy, petitioner-

Jaibir is ordered to be released from custody on his furnishing bail bonds to the satisfaction of trial Court subject to the following conditions:-

- (i) he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer; and
- (ii) he shall not leave India without the previous permission of the Court.

Disposed of accordingly.

(Rekha Mittal)  
Judge

01.06.2017  
*mohan bimbra*

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