

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

**CRM-M-12783-2018 (O&M)**

**Date of Decision: 2.4.2018**

Baljeet Singh

**....Petitioner**

**VERSUS**

State of Haryana

**....Respondent**

**CORAM:- HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI**

Present: Mr. Baljeet Beniwal, Advocate  
for the petitioner.

Mr. R.K.Makkad, DAG, Haryana.

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**RAJ SHEKHAR ATTRI, J.(Oral)**

The present petition has been filed under Section 439 Code of Criminal Procedure (for short, "Cr.P.C.) for grant of regular bail to the petitioner in case FIR No.116 dated 26.7.2017 registered for the offences punishable under Sections 307, 328, 34, 452 of Indian Penal Code (for short, "IPC") (Later on Sections 307, 34, 452 were deleted) at Police Station Rajaund, District Kaithal.

The FIR was lodged on the statement of victim-Naresh Devi.

The relevant part of the FIR reads as under : -

"On 20.7.2017 in night at 10:30 PM I along with my son Anshu were sleeping in room. At the same time my husband Baljeet Singh, brother-in-law Pawan, father-in-law Jagar Singh, my sister-in-law Kamla Devi came there and gave voice to open the door and on opening the door all of them entered in the room. They throw me on the cot, my husband Baljeet Singh and my brother-in-law Pawan caught hold my hands and my father-

in-law caught hold my legs and my sister-in-law put the intoxicated substance in my mouth. My son Anshu made a noise in the street and upon hearing the noise of my son my sister Anarkali and my brother-in-law (Jija) Rajender came there and seeing them, all the four accused ran away from the spot...”

Learned State counsel has placed on file report of Senior Scientific Assistant (Chemistry), Forensic Science Laboratory, Madhuban, Karnal (Haryana) which transpires that the sample contained one small sized glass bottle was having Chlorpyrifos.

Learned counsel for the petitioner submits that the story is highly improbable. It is not reliable that the liquid substance forcibly put in the mouth of the victim. It was initial version of the petitioner in the MLR that she has self-consumed some substance.

Learned State counsel states that the report of the Forensic Science Laboratory fully supports the prosecution case.

I have heard the learned counsel for the parties.

A bare perusal of the MLR dated 21.7.2017 transpires that the petitioner herself disclosed that she intake some poisonous substance on 20.7.2017 at around 11:00 p.m. At home. The liability of the petitioner is debatable. The petitioner was arrested on 16.9.2017. However, the trial has not been concluded.

Without expressing any opinion on merits of the case and keeping in view the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Baljeet Singh son of Jagtar Singh is ordered to be released on regular bail subject to the conditions, if

any, and on furnishing bail bond and surety bond to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- (c) He shall not leave the country without the previous permission of the Court.

**April 2 , 2018**

Paritosh Kumar

**( RAJ SHEKHAR ATTRI )  
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No