

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

Criminal Misc. No.M- 2199 of 2018(O&M)

Date of Decision: March 23 , 2018.

Shiv Kumar

..... PETITIONER (s)

Versus

State of Haryana

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Rakesh Kumar Sharma, Advocate
for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

Mr. Ajay Ghangas, Advocate
for the victim.

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.636 dated 11.08.2017, under Sections 326A/195A/120B/34/201/341/506 IPC, registered at Police Station Camp Palwal, District Palwal.

Brief facts of the case are that, the abovesaid FIR was initially registered on the statement of Pooja (the co-accused) with the allegations that she had a matrimonial dispute with her husband as well as in-laws since the year

2014. It was stated that on 11.08.2018 acid was thrown on her by her brother-in-law Mannu, mother-in-law Kamlesh and Satish, a cousin of her husband. Two other persons were also named thereafter. After investigation, the abovesaid allegations were found incorrect being unsubstantiated by the evidence on record. The investigating agency concluded that in fact a conspiracy was hatched by Pooja, Balwant, Rambir (father of Pooja) and Shiv Kumar (the present petitioner) to falsely implicate the husband and in-laws of Pooja.

It is submitted that the abovesaid FIR has arisen primarily due to the matrimonial dispute of co-accused Pooja with her husband and in-laws. Learned counsel for the petitioner contends that there is nothing on record to connect the petitioner with the alleged offence except that co-accused Rambir (father of Pooja) called him after the commission of the crime. Allegations against the petitioner are that he alongwith co-accused Rambir in connivance with Pooja tried to falsely implicate the persons named by Pooja in the FIR. Acid was thrown on Pooja by Rambir himself. Learned counsel for the petitioner submits that final report under Section 173 Cr.P.C. has since been presented. Charge against the petitioner has also been framed on 13.03.2018. The petitioner, it is submitted, is in custody since 27.09.2017. He undertakes to face the proceedings and not to misuse the concession of bail, if afforded to him. It is thus prayed that this petition be allowed.

Learned counsel for the victim has opposed this petition while submitting that the petitioner-Shiv Kumar has actively aided in the commission of the offence in connivance with the co-accused.

Learned counsel for the State, on instructions from SI Rajvir, verifies

that the petitioner is not involved in any other criminal case. He is in custody since 27.09.2017. It is further verified that final report under Section 173 Cr.P.C. has been presented and charge against the petitioner has also been framed.

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 before the Court, if released on bail.

Keeping in view the facts and circumstances of the case but without commenting upon or expressing any opinion on the merits thereof, this petition is allowed. The petitioner be released on bail pending trial subject to his furnishing requisite bail bonds and surety to the satisfaction of the learned Trial Court.

It is made clear that the petitioner shall not directly or indirectly try to contact the victim/any of their family members or witnesses in this case. Any such infraction on the part of the petitioner may entail cancellation of his bail.

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.

March 23 , 2018.
'om'

(LISA GILL)
JUDGE

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