VIJAY ASIJA
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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No. 31861 of 2018
Date of Decision:-05.12.2018

Angoori

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. Rakesh Kumar Lathwal, Advocate
for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ J.(Oral)

Petitioner Angoori is seeking regular bail pending trial in case FIR No.162 dated 04.7.2017, under Section 302 IPC, registered at Police Station Baroda, District Sonipat. She is in custody since the date of arrest i.e. 05.7.2017.

The FIR in question was recorded on the basis of statement of Lalita w/o Sunil (deceased), who died due to burn injuries on the next day of the occurrence i.e. 04.7.2017. Originally the FIR was registered for the offence punishable under Section 307 IPC, however, after the death of Lalita, offence under Section 302 IPC was added.

Learned counsel appearing on behalf of petitioner contended that the dying declaration suffered by the deceased itself has been disbelieved by the prosecution as Savita, who is also named in the dying

declaration, has been found innocent during investigation. Besides this, it is also pointed out that as per dying declaration, the occurrence took place at ground floor, whereas the investigation revealed that the occurrence took place on the first floor of the house. Learned counsel has contended that there is material variance in the dying declaration and the prosecution case particularly when the alleged statement of the deceased does not contain any reason for the alleged commission of offence.

On the other hand, learned State counsel has opposed the bail application on the ground that the offence is serious and is based on dying declaration. In all there are 13 prosecution witnesses and only two have been examined so far. On instructions from ASI Rajpal Singh, it is conceded by the State counsel that father of deceased Satyawan has already been examined as prosecution witness.

Considering the custody of the petitioner and she being a lady, without expressing any opinion on the merits of the case, the petitioner, namely, Angoori is admitted to regular bail subject to her furnishing the requisite bail bonds and surety bonds to the satisfaction of the concerned trial Court.

The petition is allowed.

December 05, 2018 **(MANOJ BAJAJ)**
Vijay Asija **JUDGE**

Whether speaking/reasoned Yes / No
Whether Reportable Yes / No