

In the High Court of Punjab and Haryana at Chandigarh

Crl. Misc. No. M-34729 of 2018

Date of Decision: 13.9.2018

Taiyub

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Tanmoy Gupta, Advocate
for the petitioner.

Ms. Mahima Yashpal, AAG, Haryana.

Complainant in person.

ANITA CHAUDHRY, J

The petitioner is seeking anticipatory bail in FIR No. 194 dated 9.7.2017 registered at Police Station Bahin, District Palwal under Sections 302, 34 IPC (Section 302 IPC was deleted and Section 306 IPC was added later on).

Petitioner had been directed to implead the complainant which he had failed to do so and the case was adjourned for 2-3 dates. On the last date of hearing, it was noted that notice could not be issued as copy of the petition was not filed and therefore notice was issued for today.

Counsel for the petitioner contends that initially the FIR was registered under Section 302 IPC but subsequently Section 306 IPC was added. Counsel further submits that the petitioner is the neighbour and also related to the deceased and he was 30 kilometers away and was not present at the time of the incident. The counsel also submits that consequent upon the death of the husband of Mamu, the name of the petitioner was entered in the joint account. Counsel further submits that a sum of Rs. 8.00 lacs was

received by Mamu as service benefits and there is only a withdrawal of Rs. 80,000/- and he had deposited a sum of Rs. One lac and Annexure P-2 would show that the amount of service benefits had been transferred in the account of the complainant in September 2017 and they have produced photographs to show that the petitioner was not present when she was being brought to the hospital.

State counsel states that the deceased had written an application to the Branch Manager on 5.1.2017 and had made a statement against the petitioner who is stated to be her nephew that he had taken the money away and she wanted a separate account for herself. The counsel further states that there is no evidence that he had deposited the amount which he had taken away and the allegations against the petitioner are that he had forcibly administered poison to Mamu.

The allegations against the petitioner are serious. The deceased had written a letter to the bank. The role of rest of the persons was not found. A sum of Rs. 80,000/- had been withdrawn from the account of Mamu in December 2016 and when Mamu came to know that the amount had been withdrawn, she made a complaint to the Manager. State counsel had also stated that at the time of the incident, petitioner was in the house of the Mamu.

Considering the seriousness of the allegations, no case for anticipatory bail is made out.

The petition is dismissed.

(ANITA CHAUDHRY)
JUDGE

September 13, 2018
Gurpreet

Whether speaking/reasoned : Yes
Whether reportable : No