

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

**Criminal Misc. No.M- 38427 of 2017(O&M)**

**Date of Decision: February 09 , 2018.**

Subhash Chander

..... PETITIONER (s)

**Versus**

State of Haryana

..... RESPONDENT (s)

**CORAM:- HON'BLE MRS.JUSTICE LISA GILL**

Present: Mr. Jagmeet Singh Moudgill, Advocate  
for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

Mr. Nonish Kumar, Advocate  
for the complainant.

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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?

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**LISA GILL, J.**

The petitioner prays for bail pending trial in FIR No.237 dated 02.07.2017 under Sections 323/328/498A/34 IPC (Section 307 IPC has been added subsequently), registered at Police Station Pundri, District Kaithal.

It is submitted that the petitioner has been falsely implicated in this case due to an apprehension in the mind of the complainant that the petitioner had illicit relations with his own sister-in-law (Bhabhi). No offence, it is submitted, punishable under Sections 307/323/328/498A/34 IPC is made out

against the petitioner. No allegation of any demand of dowry whatsoever is raised in the FIR. In respect to the allegations of poisoning the complainant, it is submitted that the complainant was admitted at PGI, Chandigarh on 29.06.2017 and was discharged on 01.07.2017. However, her statement was not recorded at PGI, Chandigarh, but much later on 02.07.2017. This fact by itself casts a shadow on the veracity of the prosecution version. Moreover, the petitioner has been in custody for over four months. The petitioner is ready and willing to resolve the entire dispute in an amicable manner. Mediation was conducted before the Mediation and Conciliation Centre of this Court pursuant to interim bail granted to the petitioner, but no fruitful conclusion could be arrived at. The petitioner thereafter has surrendered on 30.01.2018 and is in custody since then. The petitioner undertakes to face trial and not abuse the concession of bail, if afforded to him. It is thus prayed that this petition be allowed.

Learned counsel for the complainant as well as the State have opposed this petition while submitting that specific allegations have been raised against the petitioner. However, it is not denied that the statement of the complainant was not recorded when she was admitted in PGI, Chandigarh. Charge in this case has been framed. The petitioner is not reported to be involved in any other criminal case. 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 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.

February 09 , 2018.  
'om'

**( LISA GILL )**  
**JUDGE**

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