

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-44755 of 2018

Date of Decision: 25.01.2019

Balbir

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. S.S. Mor, Advocate
for the petitioner.

Ms. Priyanka Sadar, AAG, Haryana.

HARI PAL VERMA, J. (Oral)

Prayer in the present petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner in case FIR No.280 dated 09.07.2018 under Sections 304-B, 34 IPC registered at Police Station Sahlawas, District Jhajjar.

As per the FIR, the deceased Priyanka got married with Vinod son of Balbir Singh (petitioner), resident of Village Khaparwas on 18.07.2013. Initially, she was kept nicely by her in-laws and out of this wedlock, a son was also born. However, mother-in-law namely Kamlesh and father-in-law of the deceased i.e. Balbir, the present petitioner, used to state that their son is in Army and they used to receive good proposals for his marriage from the persons having car. The accused used to give

beatings to the deceased to bring a car and gold chains for her mother-in-law and father-in-law. In May, 2016, the complainant gave Rs.1,00,000/- to Vinod, so that he could keep his sister nicely. But after few days, they again started misbehaving with her. Again, in March, 2017, he gave another amount of Rs.50,000/- to the father-in-law of the deceased, but still they did not mend themselves. The deceased told all this when she used to come to them. On 24.05.2018, the accused threw the deceased out of their house after giving beatings and raising demand for dowry. On 25.05.2018, her husband Vinod and father-in-law (petitioner) and other villagers after admitting their mistake took Priyanka back to their Village Khaparwas. However, on 08.07.2018 at around 11.30 A.M., a phone call was received from the father-in-law of Priyanka (i.e. petitioner), who told that Priyanka has set herself ablaze and has been taken to Government Hospital, Jhajjar, from where she has been referred to PGI, Rohtak.

Learned counsel for the petitioner has argued that the petitioner is an old and handicap person of 60 years of age and is in custody since 20.07.2018. He has referred to medical examination report submitted by Medical Superintendent, Pt. B.D. Sharma PGIMS, Rohtak (Annexure R-1) attached with this petition, whereby it has been stated that the petitioner has been clinically and radiologically examined and he suffers from amputation of right forearm, stiffness of bilateral shoulder, right knee and right elbow, chronic osteomyelitis of right tibia and his permanent physical impairment has been assessed at 87%. Learned counsel for the petitioner has further submitted that there is no allegation against the petitioner that he has ever put the deceased ablaze.

Learned State counsel, on instructions from ASI Krishan Kumar, submits that the marriage of the deceased was solemnised on 18.07.2013 and she died on 08.07.2018. Thus, she died within seven years of her marriage, for which, the petitioner is guilty for committing offence under Section 304-B/34 IPC.

I have heard learned counsel for the parties.

Considering the fact that the petitioner suffers from amputation of right forearm, stiffness of bilateral shoulder, right knee and right elbow, chronic osteomyelitis of right tibia and his permanent physical impairment has been assessed at 87%, as per Annexure R-1, coupled with the fact that he is in custody since 20.07.2018, this Court deems it appropriate to release him on regular bail, on the health ground.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to furnishing of his bail bonds/surety bonds to the satisfaction of trial Court.

It is made clear that the petitioner shall not influence any witness during the course of the trial. In case prosecution disputes the genuineness of the certificate issued by the Medical Board, PGI, Rohtak, they are at liberty to bring this fact to the notice of this Court.

January 25, 2019
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No