

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

Sr. No.215

CRM-M-53121-2018

DECIDED ON: January 29, 2019

ARVIND VATS

..PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Anmol Rattan Sidhu, Senior Advocate with
Mr. Lovish Mittal, Advocate,
for the petitioner.

Mr. D.R. Singla, DAG, Haryana.

Mr. Pankaj Jain, Advocate for the complainant.

SUDHIR MITTAL, J. (ORAL)

The petitioner seeks regular bail in FIR No.468, dated 15.09.2018, registered at Police Station Thanesar Sadar, District Kurukshetra, under Sections 328, 120-B, 307 IPC (Sections 323, 506, 201 IPC added later on).

Learned Senior counsel for the petitioner submits that the investigation in this case is complete but the case is at the stage of commitment. The petitioner was arrested on 29.10.2018 on the basis of a supplementary statement suffered by the complainant. Apart from that the only other evidence on record to link the petitioner with the crime in his own confessional statement in police custody. The allegation against the petitioner is that he was in an illicit relationship with one Renuka Singh @

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Renu who is wife of Mandeep Singh. She allegedly administered slow poison to Mandeep Singh resulting in deterioration of health. The petitioner was working as a Marketing Executive for a person who was dealing in artificial knee implants and as such was known to persons involved in the medical profession. Utilizing those contacts, he obtained some poisonous substance and gave it to Renuka who further administered it to her husband Mandeep Singh. The petitioner is being framed on account of his work profile even though the evidence against him is flimsy. He may thus be granted regular bail.

Prayer is opposed by the learned State counsel as well as counsel for the complainant. It is argued that apart from the supplementary statement of the complainant and the confessional statement of the petitioner, there is evidence on record by way of telephone call records which establishes that the petitioner was regularly in contact with Renuka. There is also evidence by way of hotels bills to show that Renuka used to visit hotels with the petitioner as his wife. Thus, the illicit relationship is established and keeping in view the nature of the job of the petitioner, the kind of medicines administered to Mandeep Singh could have been obtained by him alone. During the course of investigation, both Renuka and the petitioner tried to mislead the police by giving different sources from which poison had been received and this also indicates a guilty mind. Thus, it is obvious that the petitioner supplied the poison to Renuka for being administered to her husband Mandeep Singh and consequently, he does not deserve the concession of regular bail.

From the submission of the parties, it becomes evident that the only evidence available against the petitioner on record is a supplementary

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statement suffered by the complainant as well as confessional statement of the petitioner. Both statements are weak type of evidence. That apart, the petitioner is being linked to the crime on the basis of illicit relations with Renuka which appears to have been properly documented by way of evidence. However, that alone cannot lead to a conclusion that the petitioner had supplied the alleged poison. As on date, the police challan does not contain any evidence in the shape of hospital records etc. to conclude that the petitioner was the source of the posion. Based on his illicit relationship, an inference is being drawn against him which to my mind is not permissible in criminal law.

It is not disputed that the petitioner has been in custody since 29.10.2018 and that the case is at the stage of framing of charge. Thus, the trial is not likely to be concluded at an early date.

Accordingly, the petition is allowed and the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court concerned, at Kurukshetra.

January 29, 2019

Ankur

(SUDHIR MITTAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No