

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-33737-2019 (O&M)
Date of Decision:- 26.8.2019

Alim ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Mazlish Khan, Advocate, for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

GURVINDER SINGH GILL, J. (Oral)

1. By way of filing this petition, petitioner-Alim seeks grant of regular bail in respect of a case registered vide FIR No.307, dated 16.4.2019, registered at Police Station Nuh, District Nuh, under Sections 323, 307, 406, 498-A, 506 IPC (Section 304-B IPC added later on).
2. The FIR was lodged at the instance of Sarjina (deceased) wife of Irshad wherein it has been alleged that her marriage was solemnized in the year 2013 with Irshad. It is alleged that on 15.4.2019, she had a quarrel with her husband. Later in the evening while she was preparing dinner, there was again a verbal spat between them and

during the course of which her husband Irshad slapped her. When the complainant threatened that she would go back to her parents village, her husband Irshad got angered and sprinkled petrol upon her and set her on fire.

3. It is further the case of prosecution that she was taken to hospital on account of the burn injuries, where she succumbed to her injuries on 22.4.2019.
4. Learned counsel for the petitioner has submitted that the petitioner has falsely been involved in the present case merely on account of the fact that he happens to be brother of husband of the deceased. It has further been submitted that in any case neither the petitioner is named in the FIR nor did the deceased utter a word against him when her statement was recorded by Executive Magistrate on 16.4.2019 and that in these circumstances he deserves the concession of bail.
5. Opposing the petition, the learned State counsel has submitted that the petitioner came to be nominated as an accused on the basis of a statement made by brother of the deceased wherein he has stated that petitioner along with other relatives had sprinkled petrol on the deceased.
6. I have considered rival submissions addressed before this Court. Since, neither in the FIR nor in the dying-declaration of the deceased even a word has been stated against petitioner-Alim, it would certainly be debatable as to whether he actually participated in the occurrence or not. The petitioner has been behind bars since

9.6.2019. In these circumstances, further detention of the petitioner will not serve any useful purpose since the conclusion of trial, in its normal course, is likely to take some time. The petition, as such, is accepted and it is ordered that petitioner-Alim be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

7. The present petition stands accepted accordingly.

August 26, 2019
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No