

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

209

Criminal Misc. No. M-13171 of 2020(O&M)
Date of Decision: 10.06.2020

Anoop

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Simranjeet Singh, Advocate,
for the petitioner.

Mr. Deepak Sabharwal, Addl. A.G. Haryana

Ms. Vinus Malik, Advocate, for the complainant.

ANIL KSHETARPAL, J.

Present petition has been filed by the petitioner, namely, Anoop, under Section 439 Cr.P.C. for grant of regular bail in FIR No. 235, dated 06.08.2019, registered under Sections 120B/302/34/201 IPC, at Police Station Lakhan Majra, District Rohtak.

The gist of the case of the prosecution has been noticed by the learned Special Judge-cum-Additional Sessions Judge, Rohtak in paragraph 2, which is extracted as under:-

“2. The case was registered on a complaint made by Anil son of Hari Krishan on the allegations that his two sisters, namely, deceased Babita and Sunita were married to two brothers i.e. the instant accused Anoop and his younger brother-Pardeep in 2002. The victim had two children from the accused. As per the

complainant, he had found Babita in a disturbed frame of mind on April 08, 2019, but on enquiry, she did not reveal much. The complainant alleged that Anoop used to harass her regarding which a panchayat had been convened in the village in 2012, in which Anoop's mother and his sister-Suresh had taken Babita with them assuring that she would not be ill-treated. The complainant party had sent her back with them as the other sister of the complainant was married in the same family. On August 05, 2019, Sunita telephonically informed the complainant that Babita had been set ablaze and had been rushed to the PGIMS, Rohtak. She also stated that victim had only sustained superficial burnt, therefore, the complainant did not go to the hospital. Instead he sent his niece Reena w/o Vijay to enquire about the victim. The latter also did not disclose anything to the complainant and informed him about the death of Babita only on August 06, 2019. The complainant alleged that Babita had been done to death by the accused in connivance with his brother-Sandeep and sister Suresh. He sought legal action against them.”

Hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

Two sisters were married with two brothers in 2002. Babita was married to the petitioner, whereas Sunita was married to Pardeep, brother of the petitioner. For the first time, a complaint was lodged against the petitioner in 2012 which was later on amicably settled. It is not in dispute that the petitioner took the deceased to hospital and also sustained burn injuries. Before the learned Additional Sessions Judge, both children of the petitioner and the deceased have put an appearance and stated that their father, the petitioner, is loving as well as caring. Their parents were not

having any dispute amongst themselves.

The petitioner is in custody for the last 9 months. Investigations have been completed. The entire case of the prosecution is based on circumstantial evidence. The prosecution intends to examine 26 witnesses, however, till date none has been examined.

Keeping in view the facts of the case, this Court is of the considered view that further incarceration of the petitioner, at this stage shall not be justified.

Without commenting on the merits of the case and keeping in view the fact that the petitioner is in custody for the last 9 months and conclusion of the trial is likely to take some time, the petitioner is directed to be released on regular bail subject to furnishing of adequate surety to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, concerned.

Accordingly the petition is allowed with the aforesaid directions.

(ANIL KSHETARPAL)
JUDGE

June 10, 2020

“nt”

Whether speaking/reasoned :Yes/No

Whether reportable : Yes/No