

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

CRM-M-15809- 2020

Date of Decision : September 22nd, 2020

Varinder Singh

..... PETITIONER

VERSUS

State of Haryana and another

..... RESPONDENTS

CORAM : HON'BLE MR. JUSTICE SANJAY KUMAR

Present: Mr. Vinod Ghai, Senior Advocate, with
Ms. Kanika Ahuja, Advocate, for the petitioner.

Ms. Mahima Yashpal, Deputy Advocate General, Haryana.

Mr. Akshay Jindal, Advocate, with
Mr. Samar Ahluwalia, Advocate,
for respondent No.2/complainant.

...

Sanjay Kumar, J.

The petitioner is A1 in FIR No.145 dated 21.02.2020 on the file of Police Station Karnal Sadar, District Karnal, registered under Sections 201, 307, 323, 324, 326, 498-A, 506 and 34 IPC. By way of this petition filed under Section 439 Cr.P.C., he seeks grant of regular bail.

The case of the prosecution is that, on 20.02.2020, the police authorities received information from the General Hospital, Karnal, that the wife of the petitioner, respondent No.2 herein, was admitted with injuries. Her statement was recorded on the next day, when she was certified to be fit. To the extent relevant presently, she stated as follows: She married the petitioner on 21.02.2010. Two to three months after the marriage, the petitioner and his parents started torturing her. She bore two sons in

wedlock but the harassment did not cease. They made unsuccessful attempts to kill her earlier but due to fear, she did not disclose the same to anyone. The torture at the hands of her in-laws continued. The petitioner and his family used to admit their guilt before the Panchayat and agree to stop their cruelty but things did not improve. On 20.02.2020, at about 9.30 AM, the petitioner came back from the fields and started abusing her. He took up a small Gandasi and gave a blow on her right arm followed by another blow on her head. She fell unconscious and was shifted to the hospital by her family members.

As per the Medico-Legal Report, respondent No.2 suffered 5 injuries. Injury No.1, i.e., fracture of the right forearm, was certified to be a grievous injury. Injury No.2, i.e., fracture of the right temporal bone, was certified to be an injury dangerous to life. Injuries No.3, 4 and 5 were found to be simple injuries.

The petitioner was arrested on 22.02.2020. After investigation, the police authorities gave a clean chit to his parents and filed a challan only against him. The case is yet to be committed to the Court of Sessions. At that stage, the petitioner filed this bail petition.

The victim-wife got impleaded as respondent No.2 and filed a reply opposing this bail petition. Therein, she stated that though relations between them had soured long ago due to the cruel attitude of the petitioner and his family members, she continued to stay with him for the sake of her children and her matrimonial home. However, on 20.02.2020, the petitioner had tried to kill her with a Gandasi. She was taken by her family in an unconscious state to the Government Hospital where she

remained unfit for over a day to even make a statement. She stated that she apprehended a threat to her life and the lives of her children if the petitioner was released on bail. Keeping in view the seriousness of the offence committed and the nature of the injuries inflicted upon her, she prayed for dismissal of the bail petition.

Mr. Vinod Ghai, learned senior counsel for the petitioner, would contend that there are inconsistencies in the medical evidence as to the nature of injuries suffered by respondent No.2 and the benefit thereof should be given to the petitioner at this stage. He would point out that the petitioner is in custody since 22.02.2020 and assert that no purpose would be served by his continued incarceration as the challan has already been filed. He would contend that as the trial would be delayed due to the present pandemic, the petitioner should be granted bail pending the trial.

Per contra, Mr. Akshay Jindal, learned counsel for respondent No.2, would argue that the medical evidence is clear and indicates the seriousness of the injuries caused, of which one was life-threatening. He would submit that enlarging the petitioner on bail at this stage would not only hamper the course of the case but would also pose a threat to the safety of his client and her children.

Perusal of the challan filed against the petitioner, for offences under Sections 201, 307, 323, 324, 326, 498-A and 506 IPC, demonstrates that the Gandasi, the weapon used in the commission of the offence, was allegedly recovered at the behest of the petitioner from where he had hidden it. The challan also referred to the doctor's opinion that injury No.1 was grievous in nature, while injury No.2 on the head, as per the CT Scan,

was an injury dangerous to life. The doctor also opined that the recovered Gandasi could have caused the injuries in question.

Given the aforestated facts and circumstances, it would be premature for this Court to venture any opinion on the medical aspects of the case. It is for the petitioner to elicit proper information as to these aspects during the course of cross-examination of competent witnesses.

The admitted facts are incriminating. That apart, given the near relationship between the parties, there is every possibility of pressure being brought to bear upon respondent No.2, if not the witnesses, if the petitioner is set free. The brutal attack upon respondent No.2 allegedly by her husband of ten years does not inspire confidence being reposed in him and also does not obviate a similar attack being made upon her in future. His custody since 22.02.2020 and protracted delay in the trial of the case, owing to the prevailing situation caused by the COVID-19 pandemic, are not sufficient in themselves to release him on bail. For all these reasons, this Court finds no grounds to grant any relief to the petitioner.

The bail petition is accordingly dismissed.

Needless to state, observations made on merits hereinabove are meant only for the purposes of this order and shall be neither binding nor have any influence in the future progression of the case.

September 22nd, 2020

(Sanjay Kumar)

Kang

Judge

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No