

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

CRM-M-31833 of 2020.

Decided on:- November 18, 2020.

Hardik.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

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

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Present:- Mr. Aditya Sanghi, Advocate  
for the petitioner.

Ms. Gaganpreet Kaur, A.A.G., Haryana.

Mr. Amit Choudhary, Advocate  
for the complainant.

**HARI PAL VERMA, J. (Oral)**

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

The petitioner has filed the present petition under Section 439 Cr.P.C. seeking regular bail in FIR No.166 dated 18.07.2020 under Sections 323, 341, 328, 307, 506, 447, 120-B and 427 read with Section 34 IPC registered at Police Station Sadar Ratia, District Fatehabad.

Learned counsel for the petitioner has submitted that the petitioner is a real nephew of complainant Yudhishtir. The alleged occurrence had taken place on 10.07.2020, whereas the present FIR was registered on 18.07.2020. In this manner, there is an inordinate delay of 8

days in reporting the matter. Despite the fact that the complainant along with his wife and son was present at the time of alleged occurrence, but the police was not intimated immediately so as to initiate legal action. The petitioner is in custody since 18.08.2020. The petitioner has been falsely implicated in the present case. As per the FIR version, co-accused Ghanshyam and Pushkar were not present on the spot. In order to implicate the whole family, the complainant had recorded his supplementary statement before the police regarding the alleged conspiracy.

He has further submitted that the allegation of complainant that the poison was forcibly administered, cannot sustain as no injury was found on the person of the complainant. It is usual tendency that if poison is forcibly administered, the victim will certainly retaliate. He has referred to the copy of medico-legal report dated 10.07.2020 of the complainant (Annexure R-1) to contend that no such injury has been shown on the person of complainant. Challan has been presented in the case and the trial is not likely to be concluded in near future.

Mr. Choudhary, learned counsel for the complainant has argued that the complainant was forcibly administered poison by the accused and, therefore, the allegations against the petitioners are serious. They are guilty of offence under Sections 328 and 307 IPC in addition to the other offences. The accused have forcibly administered poison to the complainant and once three persons had administered poison to the complainant, it is not practically possible that there would be bodily injury on the person of complainant particularly when he is about 60 years of age.

Learned State counsel has not disputed the custody of petitioner and the fact that the Challan has been presented in the case.

I have heard learned counsel for the parties.

The petitioner is in custody since 18.08.2020. The Challan has been presented in the case and the conclusion of trial is likely to take long time. No bodily injury has been found on the person of the complainant so as to establish that the complainant was administered poison forcibly. In this manner, culpability of the petitioner is yet to be established during the course of trial. Therefore, this Court finds that no useful purpose would be served by detaining the petitioner in further custody.

Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing adequate bail and surety bonds to the satisfaction of learned trial Court.

It is made clear that the petitioner shall not extend any threat and shall not try to influence any prosecution witness directly or indirectly in any manner.

The observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and the trial Court shall decide the case without being influenced with these observations in any manner.

**November 18, 2020**  
Yag Dutt

**(HARI PAL VERMA)**  
**JUDGE**

Whether speaking/reasoned: Yes

Whether Reportable: No