

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

was solemnized with Amit son of Joginder caste Jaat resident of Chatiya Oliya about 9 years back and her parents gave dowry beyond their means. She had a son aged 7 years. As per the victim her in-laws used to beat her for bringing less dowry and many Panchayats were convened in this regard but her family members sent her with her husband many times but still her husband, her mother-in-law Manju and her brother-in-law Sumit used to beat her for bringing insufficient dowry and used to turn her out of the house. They used to harass the victim on the asking of the maternal Uncle (Mama) Nitu @ Sandip and Aunty (Mami) Sonia. On 12.02.2020 at about 7:00 P.M. her mother-in-law, her husband and her brother-in-law gave beatings to the victim and proclaimed that she will not understand, put her on fire. As per the victim, her mother-in-law poured oil on her and her husband lighted a match-stick and put her on fire. When the victim screamed for help many people gathered there and her husband Amit and her mother-in-law Manju took her to Tulip Hospital, Sonipat and absconded after getting her admitted there.

Learned senior counsel for the petitioner has contended that the allegations in the FIR are false and frivolous. According to him, the petitioner and the victim were married for nine years and there was no previous complaint regarding demand of dowry or any kind of harassment meted out to her. It was also submitted that the victim is a quarrelsome lady and was pressurising the petitioner to leave his mother and younger brother and settle in Sonipat. Learned senior counsel has contended that it was the victim herself who had poured spirit on the corner of her shirt which caught fire and it was the petitioner who had saved her by pushing her into a water tank and had taken her to the hospital. In this regard he drew the attention of

the Court to the MLR Annexure P-4. Learned senior counsel also contended that the petitioner, who is a Government servant, has a nine year old son to look after and an ailing mother who is suffering from cancer and that there is no other male member in the family. It is also submitted that the investigations in the case are complete, Challan has been presented in Court and after the withdrawal of the first petition for regular bail the charges have also been framed on 28.01.2021.

Learned counsel for the State has filed a status report dated 22.04.2021 by way of affidavit of Joginder Rathee, HPS, Deputy Superintendent of Police, Ganaur, Sonipat. In the status report it is inter-alia stated that the place of occurrence was inspected by FSL Team, the match-stick, burnt and wet burnt clothes were taken into possession. While co-accused Sumit was arrested on 19.02.2020, the petitioner was arrested on 03.03.2020. The petitioner got recovered the oil bottle used in the occurrence. It is also stated that the Doctor had opined that the victim had suffered 35%-40% burn injuries which were dangerous to life. The State counsel has also pointed out that the petitioner was granted interim bail for the last rites of his brother but thereafter he did not surrender and was arrested on 17.11.2020 and has misused the concession of interim bail granted to him. It is also pointed out that the victim was examined on 06.09.2021.

I have heard counsel for the parties. The accusations against the petitioner are serious. However, the investigation is complete and no further recovery is to be made from the petitioner. The orders available on the Trial Court website disclose that the examination and cross-examination of the victim is complete and now the other prosecution witnesses are to be

examined. The other co-accused i.e. the mother of the petitioner has been granted the concession of bail while another co-accused i.e. brother of the petitioner has passed away while in custody.

In view of the above and without commenting upon the merits of the case, also considering the fact that the trial is likely to take some time to conclude, I deem this to be a fit case for grant of regular bail to the petitioner. The petitioner is directed to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the Illaqa Magistrate/Duty Magistrate/Trial Court concerned.

However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioner is found to be misusing the concession of bail in any manner.

It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

Disposed off.

13.09.2021
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(ALKA SARIN)
JUDGE

NOTE: **Whether speaking/non-speaking: Speaking**
 Whether reportable: YES/NO