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

CRM-M-19770-2021

Date of decision : 16.07.2021

Naresh Kumar

.....Petitioner

versus

State of UT Chandigarh

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Nitin Sharma, Advocate for the petitioner.

Mr. Sumit Jain, Addl. PP for UT Chandigarh.

ALKA SARIN, J.

Heard through video conferencing.

This is the second regular bail petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail in FIR No.0128 dated 10.07.2020 (Annexure P-1) under Sections 324, 342, 326/A and 506 IPC registered at Police Station South Sector 34, Chandigarh.

The first petition under Section 439 CrPC (CRM-M-25351-2020) was dismissed as withdrawn on 03.09.2020.

As per the allegations in the FIR, the complainant and the petitioner were living together in a live-in-relationship. The petitioner used to demand money from the complainant for drinking liquor and when she refused he used to beat her. On the night of 06/07.07.2020 at around midnight the petitioner came to the room and demanded ₹2000/- from the complainant and when the complaint refused because she did not have the money, the petitioner threatened to kill her and claimed that he was tired of

her. In the morning the complainant again told the petitioner about her having no money on which the petitioner opened a bottle of hand sanitizer lying in the room and emptied it on the complainant's face and clothes, took out a lighter from his pocket and lighted it and brought it next to the complainant leading to her clothes, face, neck and some hair immediately catching fire. The complainant screamed and since there was no help coming she wrapped herself in a blanket lying in the room and put out the fire. The petitioner did not allow the complainant to leave the room and for the entire day kept scaring the complainant to kill her. The same day at about 5.00 pm when the pain because of the burns became unbearable the complainant gathered strength and after pushing the petitioner reached the hospital in Sector 45 Chandigarh who referred her to GMCH 32 from where, after treatment, the complainant came back home. According to the complainant she could not get her statement recorded earlier due to pain and burning sensation.

The counsel for the petitioner has urged that the petitioner has been falsely implicated in the case. The complainant has levelled false allegations against the petitioner, there is a gap of three days between the alleged incident and the lodging of the FIR, the petitioner's father is unwell and he is the only family member who can look after him and that hand sanitizer is not an acid. He has also argued that the complainant has got married to another man and drew the attention of the Court to certain photographs (Annexure P-3). He has also contended that after the withdrawal of the first petition for regular bail the circumstances have changed as the investigation stands completed and final report under Section 173 CrPC has been presented in Court.

Learned State counsel has opposed the bail petition and has

relied upon the averments made in the affidavit dated 05.07.2021 of Shri Rajiv Kumar, SHO Police Station Sector 34, Chandigarh. In the affidavit it is inter-alia averred that the DDR was registered on 07.07.2020 and the FIR was registered on 10.07.2021 after the victim was fit to make statement. It is also stated in the affidavit that the MLR of the victim (complainant) was conducted as per which there were 20% burn injuries which are grievous in nature. The medical record of the complainant has been attached with the affidavit. It is further stated in the affidavit that the petitioner was arrested on 10.07.2020, the challan has been prepared against the petitioner and has been submitted in Court on 08.09.2020 though the charges are yet to be framed. There are 22 witnesses of which none has been examined. Learned State counsel has also submitted that the statement of the complainant under Section 164 CrPC has been recorded and she has supported her case and complaint. It is argued that the petitioner if released on bail may influence the witnesses.

I have heard learned counsel for the parties.

In the present case the petitioner is accused of a serious offence. The medical record of the complainant shows that she suffered burn injuries to the extent of 20% which have been found to be grievous. The medical record of the complainant also shows that she was admitted to the hospital on 07.07.2020 at 5.29 pm in the Emergency and discharged on 09.07.2020. The complainant is a young girl of 22/23 years of age who suffered burn injuries on her lips, neck and both arms. Further, there is no change in circumstances since the first petition under Section 439 CrPC (CRM-M-25351-2020) was dismissed as withdrawn on 03.09.2020. Though the FIR was registered on 10.07.2020, the DDR was registered on 07.07.2020 itself without any delay.

In view of the above and without commenting upon the merits of the case, I do not find this to be a fit case for grant of regular bail to the petitioner. This petition is dismissed.

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.

**(ALKA SARIN)
JUDGE**

July, 16 2021

Yogesh Sharma

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