

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.29831 of 2020
Date of Decision: March 03, 2021

Anil Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Sushil Kumar Verma, Advocate,
for the petitioner.

Mr. Sukhdeep S. Parmar, DAG, Haryana.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.142 dated 12.07.2020, under Sections 498-A, 406, 323 IPC, 1860 and Section 326 IPC (added later on), registered at Police Station, Ding, District Sirsa. The petitioner is in custody since his arrest on 23.07.2020.

The allegations of the FIR as noticed by the Additional Sessions Judge, Sirsa in his order dated 17.09.2020, are as under:-

“Allegations against the petitioner/accused are that the complainant got recorded her statement to the effect that she got married with applicant/accused on 13th June, 1999. She had three children out of that wedlock. Her husband used to beat her. Therefore many panchayats were also convened and they arrived at a compromise. Yesterday on 11.7.2020 at about

8.30 O'clock when she was offering tea to her husband, he got furious and poured tea on her. Her back and left hand burnt due to that reason. She raised a noise and her daughter Nancy took care of her. Thereafter her husband gave her a blow of hammer. She fell down due to inflicting the injury on her head by said hammer. Thereafter her daughters Nancy and Khushi got her admitted to Bhargav Hospital Ding Mandi. The doctor referred her to Sirsa for treatment. Her Istri Dhan dowry articles are also in the possession of her husband. Action in the matter was sought.”

Learned counsel for the petitioner contends that the parties were married in the year 1999 and the petitioner has been falsely implicated by levelling allegations general in nature by complainant-Paramjeet Kaur. He has pointed out that the investigation of the case is complete as the challan has already been filed, therefore, considering his custodial period, he be released on bail as the trial is likely to consume considerable time to conclude.

On the other hand, the prayer is opposed by the learned State counsel, assisted by SI Karan Singh, on the ground that the petitioner caused multiple simple and grievous injuries with hammer on the head of the complainant. He, on instructions, further submits that the investigation of the case is complete.

After hearing the learned counsel for the parties, considering the custodial period of the petitioner, this court finds that the further detention of the petitioner behind the bars may not be necessary for any useful purpose, who is presently confined in judicial custody after his arrest on 23.07.2020. The trial is likely to consume considerable time to conclude and the material witnesses are either the victim, her close relatives or police officials and there does not seem to be any possibility of their being won

over.

Resultantly, without meaning any expression of opinion on the merits of the case, the petition is allowed and it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate, Sirsa.

March 03, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable:	Yes/No