

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.42300 of 2021
Date of Decision: October 12, 2021

Bharat Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. H.N.Sahu, Advocate,
for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, 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.434 dated 18.07.2021, under Section 328 IPC, 1860 and Sections 381, 511 and 120-B IPC (added later on), registered at Police Station, Sadar Bhiwani, District Bhiwani, who is in custody since his arrest on 19.08.2021.

The contents of the FIR, as noticed by the Additional Sessions Judge, Bhiwani in his order dated 23.08.2021, are as under:-

“Brief facts of the case of the prosecution is that on 18.7.2021, complainant Pawan presented a written complaint with the facts that he has his factory on Tosham Road and have 15 workers and have three vehicles. The office articles and cash amount is available in the factory. He had appointed Bharat Singh as cook in the factory. The night earlier i.e. on 17.7.2021, at 9.30 p.m., Bharat Singh cooked chapatis and after eating this food, Sushil Bista and Lalit started dousing

and then fainted. The complainant was about to eat the food, but became conscious and did not eat and inquired from Bharat Singh but he could not answer properly. The complainant checked the dustbin and found the poisonous substance, named, capsule 'metoprolol succinate and deep sleep roll on' written on the same. His two servants had fallen unconscious. He showed apprehension that Bharat Singh along with his other two servants, namely, Krishna and Birender has planned to intoxicate the occupants of the factory in order to prepare some illegal activities. FIR was registered and the material from the factory were collected and sent to FSL for examination. The present accused persons were arrested on 19.8.2021."

Learned counsel for the petitioner has argued that two workers of the complainant had fallen sick allegedly by consuming food cooked by the petitioner as some pesticide was mixed in the food while preparing. He submits that the investigation of the case is complete and even the complainant has stated that the said incident was accidental. In this regard, he has invited the attention of the affidavit dated 06.08.2021 (Annexure P-1). He prays for bail.

On the other hand, learned State counsel, assisted by SI Virender Singh, while opposing the prayer has not disputed this fact that the investigation of the case is complete and Section 511 IPC was also added subsequently.

After hearing the learned counsel for the parties, considering the above background and the fact that the trial is yet to commence, this court is of the opinion that the further detention of the petitioner behind the bars would not serve any useful purpose, who is presently confined in judicial custody after his arrest on 19.08.2021.

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/CJM/Duty Magistrate, Bhiwani.

October 12, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

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