

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-8220 of 2022

Date of Decision: 16th August, 2022

Behnudar Rawal @ Raju

... Petitioner

Versus

Stte of Haryana

... Respondent

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. Tajinder Pal Singh, Advocate for the petitioner.
Mr. Viney Phogat, DAG, Haryana.

AVNEESH JHINGAN , J.(Oral)

This is a petition seeking regular bail in FIR No. 289 dated 4.10.2021, under Section 328 IPC (Section 120-B IPC added later on), registered at Police Station Sector 13-17, District Panipat.

As per the case set up, on 15.9.2021, the complainant had employed Subhash Khatri, resident of Nepal as cook. On 3.10.2021, the cook added a poisonous substance in the food and served it to the complainant and her husband. The role attributed to the petitioner is that he made a reference of Subhash to the complainant for employment. In his confessional statement before the police, he stated that the co-accused in connivance with the petitioner mixed poisonous substance in food of the complainant and her husband for stealing the cash and jewellery from the house.

Learned counsel for the petitioner submits that the petitioner is in custody since 13.11.2021, the main accused Subhash Khatri has not been arrested till date. The submission is that apart from the confessional statement there is no evidence to connect the petitioner with the said incident. He further submits that the petitioner is not involved in any other case.

Learned counsel for the State opposes the prayer for grant of

bail and submits that the petitioner confessed his guilt before the police and prior to getting the co-accused employed with the complainant, several calls were exchanged between them.

The petitioner was not named in the FIR. As per the role attributed to the petitioner, he made a reference of the co-accused for employment. There is a reliance on the confessional statement of the petitioner made before the police, the evidentiary value of the confessional statement would be subject-matter of trial. The petitioner has no criminal antecedents, no recovery was made from him. Though the investigation qua petitioner is complete, the conclusion of trial will take time.

The petitioner is granted bail subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

The petition is allowed.

It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

(AVNEESH JHINGAN)
JUDGE

16th August, 2022
mk

Whether reasoned/speaking	Yes/No
Whether reportable	Yes/No