

**206a IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-19098-2021

Date of Decision: 25.8.2022

Puran Singh

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Karandeep S. Sidhu, Advocate, for the petitioner.

Mr. Arun Luthra, Deputy Advocate General, Punjab.

Mr. R.S.Sekhon, Advocate, for the complainant.

Rajesh Bhardwaj, J. (ORAL)

Prayer in the present petition is for the grant of regular bail to the petitioner in a case FIR No.341 dated 22.9.2020, registered under Sections 307, 506, 34 IPC (Section 326-A IPC added vide Rapat No.27 dated 23.10.2020 and Section 34 IPC has been deleted vide Rapat No.34 dated 25.12.2020, at Police Station Sadar Fazilka.

As per factual matrix of the case, the present complaint was made by complainant Sukhwinder Kaur, wherein, it was alleged that on 21.9.2020 at about 4:00 pm, when her children were playing, she went to bring them back. Then Puran Singh i.e. the petitioner and Lakhvir Singh were passing by. About a year ago, Puran Singh had thrown her in the canal and proceedings under Section 107/151 Cr.P.C. were initiated by the Police against him. However, on 21.9.2020 in the evening on seeing the complainant Puran Singh poured oil on her and Lakhvir Singh set her ablaze with match box and both of them fled away from the spot. She jumped in the water of paddy fields to douse fire. Complaint was made to the Police to take legal action against both the accused. On the basis of the complaint, the

FIR was lodged and investigation commenced. During the course of investigation, the Investigating Agency found accused Lakhvir Singh innocent and he was kept in column No.2 and thus, the challan was presented only against Puran Singh, i.e. the petitioner. He approached the Court of learned Sessions Judge, Fazilka for grant of bail, who, after hearing the parties, declined the same vide order dated 16.2.2021. Aggrieved by the same, the petitioner has approached this Court by way of filing the present petition for grant of bail.

Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present case. He has submitted that as per the allegations in the FIR, the petitioner alongwith co-accused Lakhvir Singh was named therein and there were specific allegations against Lakhvir Singh of setting ablaze the complainant, however, during the course of investigation for the reasons best known, the co-accused was declared innocent and challan was presented only against the petitioner. He has submitted that thereafter at the time of examination of evidence, prosecution filed an application under Section 319 Cr.P.C. and co-accused Lakhvir Singh summoned under Section 319 Cr.P.C. who has been granted interim bail by this Court vide order dated 14.6.2022. He has submitted that the complainant and the petitioner were in consensual relationship and hence, there was no motive for the petitioner to indulge in the offences as alleged against him. He submits that even otherwise now the complainant has been examined by the trial Court and it is on her statement, application under Section 319 Cr.P.C. was filed on the basis of which, co-accused Lakhvir Singh has been summoned. He submits that the petitioner is behind bars since 25.11.2020 and he has no criminal antecedents as he

has never been involved in any other criminal case except the present case. He submits that in view of the facts and circumstances of the case, the petitioner deserves to be enlarged on bail.

Learned counsel for the complainant has opposed the submissions made by learned counsel for the petitioner. He submits that there are specific allegations against the petitioner of pouring oil on the complainant. He submits that the complainant suffered 50% burn injuries. He submits that though the co-accused was declared innocent by the Investigating Agency, but now he has been summoned by the Court under Section 319 Cr.P.C. to face the trial alongwith the petitioner. He submits that now the complainant would be examined *de novo* as co-accused has been summoned under Section 319 Cr.P.C. He submits that in view of the above, no case for bail to the petitioner is made out.

Learned State counsel on instructions from ASI Baldev Singh, submits that complicity of the petitioner is writ large and there are allegations of pouring oil on the complainant by the petitioner. He submits that the co-accused Lakhvir Singh has also been summoned under Section 319 Cr.P.C.. He submits that three prosecution witnesses have been examined by the trial Court. He candidly submits that the petitioner is behind bars since 25.11.2020. He further submits that as per the official record, except the present case the petitioner is not involved in any other case.

Heard.

Admittedly, the petitioner is behind bars since 25.11.2020. Though there are allegations against the petitioner levelled by the complainant, however, co-accused Lakhvir Singh was declared innocent,

who has now been summoned under Section 319 Cr.P.C. Initially the complainant has been examined by the trial Court on the basis of which, the prosecution filed an application under Section 319 Cr.P.C. As per the submissions made by learned counsel for the petitioner before this Court, the petitioner has no criminal antecedents as he has never been involved in any other case besides the present case. The veracity of the allegations would be finally evaluated by the trial Court on the appreciation of the evidence led by both the parties. This Court would refrain itself from commenting anything on the merits of the case, however, considering the prayer for grant of bail to the petitioner, I am of the view that learned counsel for the petitioner has been able to make out a case for grant of regular bail to the petitioner. The trial would take sufficient long time for its conclusion.

Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail to the satisfaction of the concerned trial Court/Duty Magistrate.

Nothing said herein shall be treated as an expression of opinion on the merits of the case.

25.8.2022

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Whether Speaking/Reasoned :
Whether Reportable :

(RAJESH BHARDWAJ)
JUDGE

Yes/No
Yes/No