

CRM-M-23730-2022

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

(205)

CRM-M-23730-2022.
Date of Decision:-02.06.2022.

Jagbir

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Ankur Dua, Advocate for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

Mr. Dev Kaushik, Advocate for the complainant.

RAJESH BHARDWAJ, J. (Oral)

Petitioner has filed this petition for grant of regular bail in case FIR No.0028 dated 25.01.2021 under Sections 498-A, 307 of IPC, registered at Police Station PGIMS, Rohtak.

As per the facts of the case, the present FIR was registered on the statement of the complainant recorded by the Special Judge-cum-Additional Chief Judicial Magistrate, Rohtak, wherein the complainant deposed that her husband Jagbir set her on fire by sprinkling oil from the car. She complained her in-laws regarding her condition, however, they neither saved nor helped her. Thereafter, her neighbor rescued her and took her to the hospital. Her husband used to beat her from the last so many days. She was married with the petitioner about 2 ½ years ago and they do

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not have any child. On the registration of the FIR, the investigation commenced and the petitioner was arrested on 02.02.2021. The petitioner approached the Court of learned Additional Sessions Judge, Rohtak, praying for the grant of bail. After hearing the counsel for the parties, the Additional Sessions Judge, Rohtak, declined the same vide order dated 30.03.2022. Aggrieved by the same, the petitioner is before this Court for grant of regular bail.

It has been contended by the learned counsel for the petitioner that the petitioner has been falsely implicated in this case. He has submitted that there were temperamental differences resulting in matrimonial discord between the husband and the wife, however, the allegations made in the FIR are totally false and frivolous. He submits that the petitioner has no criminal antecedents as he has never been involved in any criminal case. He further submits that no child was born out of the wedlock after the marriage and the same was the cause of depression for both husband and wife. To buttress his arguments, he submits that the complainant has been examined by the trial Court as PW-3 and she has not supported the case of the prosecution and, thus, she was declared hostile on the request of the learned Public Prosecutor. He submits that once the complainant herself has not supported the case of the prosecution, the false implication of the petitioner is writ large. He submits that even otherwise, as the material witnesses already stand examined by the trial Court, there cannot be any apprehension on the part of the petitioner for tampering with the prosecution witnesses. He further submits that now the parties have settled their dispute amicably and they have filed a petition for quashing of

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the FIR on the basis of compromise, which is pending adjudication and, thus, the petitioner deserves to be granted the concession of bail.

Learned counsel for the complainant has affirmed the submissions made by the learned counsel for the petitioner and has submitted that the parties have settled their dispute amicably.

Learned State counsel, on the other hand, has submitted that there are specific allegations against the petitioner and the statement of the complainant was recorded by the Magistrate, wherein, she has deposed that it was the petitioner who sprinkled car oil on her and set her ablaze. However, he submits that the complainant has been examined and she has not supported the case of the prosecution. He further submits that there are 17 prosecution witnesses out of which 7 already stand examined.

I have heard the learned counsel for the parties and gone through the record.

Apparently, the petitioner and the complainant are husband and wife and the dispute is of the matrimonial nature. Though the complainant has leveled allegation against the petitioner regarding setting her on fire, however, she was examined by the trial Court and she did not support the case of the prosecution. She rather deposed that while cooking food, she caught fire and on her raising hue and cry, her husband saved her. She further deposed that she did not remember anything as to what had happened to her as she became unconscious. There is nothing on record showing that the petitioner has any criminal antecedents. It is also admitted fact that both the petitioner and the complainant have settled the dispute amicably and have already filed a petition for quashing of the FIR on the

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basis of settlement arrived at between them.

The veracity of the allegations and counter-allegations would be assessed only after the conclusion of the trial and on the appreciation of the complete evidence adduced by both the sides. The trial of the case will take sufficient long time and no useful purpose will be served by keeping the petitioner in custody for such a long time. Without commenting anything on the merits of the case, this Court is convinced that the counsel for the petitioner succeeds in making out a case for grant of regular bail.

Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds 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.

(RAJESH BHARDWAJ)
JUDGE

June 02, 2022.

sandeep

Whether speaking/reasoned:-

Yes/No

Whether Reportable:-

Yes/No