

In the High Court of Punjab and Haryana at Chandigarh

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CRM-M-35156-2020 (O & M)
Date of Decision: January 20, 2022

DEVILAL

....PETITIONER

VERSUS

STATE OF HARYANA

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Randhir Singh Hooda, Advocate for the petitioner.

Mr. Anant Kataria, DAG, Haryana.

Mr. Deepak Sonak, Advocate for the complainant.

ANUPINDER SINGH GREWAL, J (ORAL)

Case taken up through video conferencing.

In pursuance to the previous order, the petitioner has joined the video proceedings. He contends that he is willing to take the complainant back to the matrimonial home.

The complainant has joined the proceedings through whatsapp video call and contends that she is also willing to reside with the petitioner. The complainant also states that she is without any means of subsistence.

The petitioner shall go to the house of the complainant on 21.01.2022 at 11.00 am and take the complainant back to the matrimonial home.

After the order had been dictated, the petitioner states that it is not possible for the petitioner to take the complainant back to his matrimonial house as she does not behave properly with his parents.

In view of the above, learned counsel for the petitioner submits that the matter may be heard and decided on merits.

The petitioner is seeking anticipatory bail in FIR No.91 dated 23.09.2020, under Sections 120-B, 328, 506 IPC, registered at Police Station Bahin, District Palwal.

Learned counsel for the petitioner contends that although it is alleged that the petitioner had forcibly administered poison to the complainant but the FSL report does not indicate any poisonous substance and, therefore, the allegation stands falsified. The other allegations pertain to Sections 120-B and 506 IPC.

Learned State counsel contends that the petitioner has joined the investigation in terms of the order passed by a Coordinate Bench of this Court on 02.11.2020. He upon instructions contends that the complainant was admitted in the hospital on 15.09.2020 and when the police officer had gone to record the statement of the complainant, she was found unfit to make the statement. She was declared fit to make the statement only on 18.09.2020 and thereafter her statement was recorded.

In the order dated 02.11.2020, the contention of the counsel for petitioner that he is willing to settle the matter amicably with the complainant, had been duly recorded. The parties were sent for mediation before the Mediation and Conciliation Centre at Palwal. The report of the Mediator has been received which indicates that the mediation was unsuccessful.

Learned counsel for the complainant states that the petitioner had administered poisonous substance to the complainant and she remained under treatment first in the Government Hospital, Palwal and thereafter in Guru Nanak Hospital, Palwal for 04 days. The doctor has twice declared the

complainant unfit for making statement. He also contends that the sample had been taken on 19.09.2020 i.e. after 04 days of the alleged occurrence, therefore, the FSL report does not indicate presence of any poisonous substance which is refuted by the counsel for the petitioner, who submits that the sample had been taken on the same date.

Heard.

It is apparent that the complainant and her sister are married to the petitioner and his brother. The allegations against the petitioner and other accused are that they were repeatedly harassing the complainant and her sister. They have been turned out of the matrimonial house on account of an inadequate gift given by the parents at the time of birth of the child. It is alleged that the petitioner had administered some poisonous substance to the complainant as a result of which she was admitted in hospital for a period of 04 days and was earlier declared unfit to make a statement to the police. Consequently, I do not find it appropriate to grant the concession of anticipatory bail.

The petition stands dismissed.

(ANUPINDER SINGH GREWAL)
JUDGE

January 20, 2022
A.Kaundal

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