

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

**CRM-M-52666-2021
Date of decision: 22.03.2022**

Manoj Kumar

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Taqdeerjeet Singh Sidhu, Advocate
for the petitioner.

Mr. Deepak Kumar Grewal, DAG, Haryana.

None for respondent No. 2, despite service.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of anticipatory bail to the petitioner in Criminal Complaint No. COMI-26/2014, dated 18.02.2014 titled as ***Surjit vs. Manoj Kumar*** for commission of offence punishable under Sections 302/34/201 of the IPC in view of summoning order dated 24.02.2020 passed by the JMIC, Sonipat.

On 16.12.2021, the following order was passed:

“Learned counsel for the petitioner submits that initially an FIR No. 247 dated 31.08.2013 was registered by petitioner against complainant Surjit under Sections 306/506/34 of the IPC and Section 25 of the Arms Act, 1959 at Police Station Kharkhoda, District Sonipat. Later on, the complainant has filed the present complaint with the allegations that his marriage was performed with Jyoti d/o co-accused Rajender Prasad on 12.01.2013 and he had filed a protection petition before this Court, however, in the meantime, the parents of Jyoti took her

away and he had to withdraw the said petition. It is further stated that accused No. 3 ASI Baljeet is a police official and since he was exercising his influence, complainant could not get the FIR registered. It is further stated that on 07.02.2013, when Jyoti had called the complainant, all the accused came and forcibly put some poisonous substance in the mouth of the complainant, however, no FIR could be registered.

Learned counsel further submits that the present complaint has been filed with the allegations that all the accused persons, in conspiracy with each other, had administered some poisonous substance to Jyoti and she had died.

Learned counsel further submits that it is a matter of fact that Jyoti had died by consuming some poisonous substance and for that, the complainant himself was facing trial in FIR No. 247 and later on he was acquitted, however, an appeal has been filed by the State in the said case.

Learned counsel further submits that the petitioner is in fact husband of deceased Jyoti and is the complainant in the aforesaid FIR and it was a case of extra marital affairs between complainant Surjit and Jyoti and on that account, Jyoti has committed suicide, which is being given color of murder by the present complaint.

It is further submitted that the petitioner has been summoned after the lapse of a period of about 08 years from the alleged date of incident__ and he is ready to surrender before the trial Court and apply for grant of regular bail.

Notice of motion.

Mr. Deepak Kumar Grewal, DAG, Haryana, who is also appearing through video conferencing, accepts notice on behalf of the respondent-State and could not

dispute the factual position regarding status of FIR No. 247 as well as the summoning of the petitioner in the present case.

Notice be issued to respondent No. 2 on filing of process fee.

List again on 22.03.2022.

In the meantime, the petitioner is directed to appear before the trial Court within a period of 15 days from today and on doing so, the trial Court shall release him on interim bail, subject to his furnishing bail/surety bonds to its satisfaction.

Till the time, the petitioner surrenders before the trial Court, his arrest shall remain stayed.

Learned counsel for the petitioner submits that the petitioner, in pursuance to the order dated 16.12.2021, has already appeared before the trial Court and he has been released on bail.

The aforesaid fact is not disputed by learned State counsel, being a private complaint case.

In view of the above, the petition is allowed and the order dated 16.12.2021 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

22.03.2022

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No