

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

206

**CRM-M-460-2023
Date of Decision : 02.02.2023**

SubodhPetitioner

Versus

State of Haryana and anotherRespondents

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present : Mr. Tejas Bansal, Advocate
for the petitioner.

Mr. Munish Sharma, Asstt. A.G., Haryana
for respondent No.1-State.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioner has filed the present petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in Complaint Case No.COMI/26/2014 filed under Sections 302, 34 and 201 of the Indian Penal Code, 1860 before learned Judicial Magistrate First Class, Sonipat wherein summon was issued to the petitioner vide order dated 29.01.2020.

As per office report, notice issued to respondent No.2 has been served through his wife.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. Initially an FIR No.247 dated 31.08.2013 was registered by co-accused Manoj Kumar against respondent No.2/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, complainant/respondent No.2 has filed the present complaint with the allegations that his marriage was performed

with Jyoti (sister of the petitioner) 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. 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 respondent No.2/complainant himself was facing trial in FIR No.247 dated 31.08.2013 and later on he was acquitted, however, an appeal has been filed by the State in the said case. Now, the petitioner has been summoned after the lapse of a period of about 08 years from the alleged date of incident. Co-accused Manoj Kumar and Baljit have already been granted concession of anticipatory bail by this Court vide orders dated 22.03.2022. The petitioner is ready to surrender before the trial Court and apply for grant of regular bail.

On the other hand, learned State counsel opposed the present petition in terms of reply dated 24.01.2023 filed by way of an affidavit of Sh.Jeet Singh, HPS, Assistant Commissioner of Police, Sonipat which is taken on record.

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

Keeping in view the facts and circumstances of the case and parity with co-accused Manoj Kumar and Baljit, who have already been granted concession of anticipatory bail, but without commenting upon the merits of the case, the present petition for anticipatory bail is

allowed and the petitioner is directed to appear before the trial Court within a period of 15 days from today and the trial Court will release the petitioner on bail subject to his furnishing bail/surety bonds. The petitioner shall abide by the conditions as provided under Section 438(2) of the Cr.P.C.

02.02.2023
Kothiyal

(ASHOK KUMAR VERMA)
JUDGE

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