IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

210 **CRM-M-13478-2023 (O&M)**
Date of order: 23.08.2023

Jindha @ Jindu

…..Petitioner(s)

Vs.

State of Haryana

…..Respondent(s)

CORAM: **HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Aditya Sanghi, Advocate
for the petitioner.

Mr. Brijesh Sharma, AAG Haryana.

Mr. D.P.S. Joura, Advocate
for the complainant.

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Nidhi Gupta, J.

Prayer in this first petition filed under Section 439 of Code of Criminal Procedure (hereinafter referred to as "Cr.P.C.") is for grant of regular bail in case FIR No.165 dated 04.04.2022 registered under Sections 326-A and 458 of Indian Penal Code, 1860 (hereinafter referred to as "IPC") and Section 6 of Poison Act, 1919at Police Station Civil Lines, Sirsa, District Sirsa, Haryana.

2. FIR is reproduced as under:-

"Statement of Karamjit Kaur alias Sonu Wife of Angrej Singh Majhabi Sikh R/o Flat Number 318-A, Sector 19 HUDA Sirsa aged 45 years, Mobile Number 8950572170, stated that I am resident of above mentioned address and am a lady doing household work, on the night of dated 03/04.04.2022 time at

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around 12.30 AM me and my son Khushdeep Singh were sleeping in our flat, that at the same time someone knocked the bolt of the door of my flat, upon hearing the noise me and my son momentarily got up and sat on bed, that in the meantime while opening the bolt of the door a person came inside who was carrying a Jug in his hand, to whom I identified in the name of Jindu son of Kaka Singh Majhabi R/o Harike Kalan, District Mukatsar, Punjab, that I took name Jindu – 2 then in the meantime momentarily Jindu rasped (sehlaya) the Jug which he was carrying in his hand towards me resultantly Jug filled with acid thrown upon me as a result of which my mouth and my both the arms, my chest, were burnt very badly and acid was also thrown upon my son Khushdeep Singh sitting near me itself, as a result of which both arms/shoulders and chest of my son Khushdeep Singh were burnt very badly, that upon raising clamour by us Jindu fled from the spot at the same time, that my neighbor Gaurav came to the spot and my son Khushdeep make arrangement of vehicle admitted me for treatment at Government Hospital Sirsa, where my treatment is going in, cause of grudge is that around 3-4 days back I had gone to village Kingra for paying obeisance where Jindu met me, that after paying obeisance I was coming along with Jindu by boarding his Motorcycle at Sirsa, that on the way Jindu started arguing with me amid some issue, whereby I got annoyed with Jindu and had come to Sirsa in a vehicle of some

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of my known and not upon the Motorcycle of Jindu, amid this issue Jindu had thrown acid upon me and my son Khushdeep Singh, as a result of which lot of damage has been cause upon my body and my body of my son Khushdeep, you may initiate legal action against Jindu and justice may be served to me…."

3. It is inter alia submitted by learned counsel for the petitioner that the petitioner has been in custody since 15.04.2022 for a period of almost 1 year and a half year. It is submitted that all the material witnesses have been examined.

4. Learned counsel for the complainant submits that the victim has suffered a disability of 70% in the incident in question. Learned counsel vehemently submits that direction be issued to the learned trial Court to expedite the trial.

5. Learned State Counsel files custody certificate dated 23.08.2023 which is taken on record. As per the custody certificate, the petitioner has undergone custody of 1 year 4 months and 9 days. Learned counsel admits that as on date all the prosecution witnesses stand examined.

6. I have heard learned counsel for the parties.

7. Without commenting on the merits of the matter, however, keeping in view the totality of the facts and circumstances of the case, including the fact that material witnesses already stand examined, and that the petitioner is in custody since 15.04.2022 and has undergone 1 year 4 months 9 days in custody as under trial, and the fact that there is no

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other case against the petitioner, and that trial will take some time to conclude, present petition is **allowed**. The petitioner namely Jindha @ Jindu s/o Kaka Singh is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Learned trial Court is directed to expedite the trial in the matter.

8. However, it is made clear that nothing stated above shall be construed as an expression of opinion on the merits of the case.

9. Pending application(s) if any also stand(s) disposed of.

23.08.2023 **(Nidhi Gupta)**
Sunena **Judge**

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

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