

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-41933-2021 (O&M)

Date of Decision: 22.2.2023

Raj Kumar @ Raju

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Akashdeep Singh, Advocate
for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana.

Mr. H.S.Randhawa, Advocate,
for the complainant.

KARAMJIT SINGH, J.

CRM-8331-2023

Allowed as prayed for and documents Annexure P-13 and P-14
are taken on record subject to all just exceptions.

Main case.

Prayer in the present petition under Section 439 of Code of
Criminal Procedure is for grant of regular bail to the petitioner in case FIR
No.47 dated 13.2.2021 registered for the offences punishable under
Sections 307, 302, 326A, 34 IPC at Police Station Purani Sabji Mandi,
Rohtak.

FIR in this case was registered on the basis of the statement of
Rishi Kapoor son of Surinder Kapoor alleging that he got married with
Rozy daughter of Subhash and he is having one daughter out of the said
wedlock but having marital discord with his wife Rozy. On 12.2.2021 at

about 8:00 p.m., he went to his in-laws house where his mother-in-law Saroj Nagpal and brothers-in-law Bablu and Raju were present and when he tried to touch the feet of his mother-in-law, his brother-in-law Bablu poured petrol on him from the backside while his another brother-in-law Raju (present petitioner) ignited fire and he was set ablaze and then he ran towards the police post from where he was taken to Civil Hospital, Rohtak and from there, he was shifted to PGIMS, Rohtak where his statement was recorded.

Complainant-Rishi Kapoor died in the aforesaid hospital while undergoing treatment.

Counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and actually, Rishi Kapoor self-immolated himself and later on, died on account of burn injuries suffered by him. He further submits that during the investigation, the petitioner was arrested but later on, granted interim bail on account of the fact that the police presented challan only for offence punishable under Section 306 IPC read with Section 34 IPC against the petitioner and other accused persons. He further submits that during the trial, father of the deceased Surinder Kapoor and brother of the deceased Sajan Kapoor appeared in the witness box and they clearly deposed that Rishi Kapoor poured petrol and then set himself ablaze of his own and later on, died due to burn injuries. Copies of their statements are Annexures P-13 and P-14. He further submits that it will take considerable time for the trial to conclude. So, prayer is made that the petitioner be granted concession of regular bail.

Present petition is contested by the counsel for the complainant who submits that initially, FIR in this case was registered under Section 302

IPC but after investigation, the police presented the challan under Section 306 IPC. Counsel for the complainant further submits that the trial is going on and complainant-Surinder Kapoor and his son Sajan Kapoor are already examined but they have not supported the case of the prosecution.

State counsel has also not disputed the fact that while appearing in the witness box, material witnesses failed to support the case of the prosecution.

I have considered the submissions made by the counsel for the parties.

Admittedly, the petitioner is already granted interim bail vide order dated 12.10.2021 and he has not misused the said concession. Further, it appears that the material witnesses namely Surinder Kapoor and Sajan Kapoor were declared hostile as they retracted from their previous statements recorded by the police.

In light of above, no useful purpose is going to be served by detaining the petitioner in custody for any further period.

Accordingly, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

February 22, 2023

Paritosh Kumar

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No