

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

109

**CRA-S-3281-2023 (O&M)
Date of Decision: 21.11.2023**

MANOJ KUMAR

.... Appellant

VERSUS

STATE OF HARYANA AND ANR

.... Respondents

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. H.P.S. Ishar, Advocate and

Mr. Shiv C. Bhola, Advocate for the appellant.

ALKA SARIN, J. (ORAL)

1. The present appeal has been preferred against the order dated 30.10.2023 passed by the learned Additional Sessions Judge, Special Court, Kaithal dismissing the application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the appellant in FIR No.254 dated 29.06.2023, under Sections 498-A, 324, 326, 342, 34 of the Indian Penal Code, 1860 and Section 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 registered at Police Station Pundri, District Kaithal.

2. The brief facts relevant to the present case are that on 27.06.2023 information was received from Police Post, Government Hospital, Kaithal that the complainant (wife of the appellant herein) was admitted in Civil Hospital, Kaithal having sustained burn injuries. After been administered first aid, she was referred to PGIMS, Rohtak. On this

information, ASI Sukhbir Singh reached the Police Post, Government Hospital, Kaithal and received the MLR and medical ruqa and by writing a separate letter, opinion of doctor was sought who endorsed that injured was referred to PGIMS, Rohtak and in the MLR one injury is mentioned. On 27.06.2023 at about 08.15 pm information was received from Police Control Room, Kaithal that the injured was admitted in PGIMS Rohtak. On 28.06.2023 HC Rakesh Kumar along with L/EHC Sonia reached at Police Post, PGIMS, Rohtak and obtained medical ruqa and a request letter was written to learned Magistrate at Rohtak Court for recording the statement of the victim under Section 164 of CrPC and accordingly the statement of victim was got recorded. In her statement recorded under Section 164 of CrPC, the complainant stated that she belongs to lower caste and that her mother-in-law taunted her that she belongs to lower caste and did not bring any dowry. On 26.06.2023 at about 08.00 am the complainant, after putting tea on the gas stove, went to her children to get them to brush their teeth and when she came back her mother-in-law poured boiling tea on her head after taking it from the gas stove and the remaining tea was poured on the face of the complainant. The husband of the complainant (the appellant herein) rushed to her after hearing her scream. Later on, the husband of the sister-in-law of the complainant, namely, Sunil and Anil came and bolted the complainant in a AC Room. She was neither provided with a mobile phone nor was she allowed to talk to her parental family. In the next morning, the complainant woke up at 04.00 am and fled away from the room.

3. Learned counsel for the appellant contend that the injuries have been attributed to the mother-in-law and no injury has been attributed to the appellant herein. Learned counsel would further contend that it is an unfortunate accident which had taken place and that the appellant has no role to play. It is further the contention of the learned counsel for the appellant that the marriage between the appellant and the complainant is a 7 year old one and there is no history of any marital discord.

4. Notice of motion to respondent No.1-State only, at this stage.

5. On the asking of this Court, Ms. Mahima Yashpal, DAG Haryana accepts notice on behalf of respondent No.1-State only. She has filed status report dated 20.11.2023 by way of an affidavit of Amit Kumar, HPS, Deputy Superintendent of Police, Kaithal. The same is taken on record.

6. Learned counsel for the State, on the instructions from ASI Ram Chander, and while referring to the status report, has pointed out that as per the MLR it is not the family of the appellant who had got admitted the complainant to the hospital rather she was admitted in the hospital by her neighbor, namely, Suman. Learned counsel would further contend that a big black colour burn mark was present on the left side of the face of the complainant extending towards her neck and chest and probably it was a third degree burn as suspected in the MLR. Learned counsel has further referred to the opinion of the Doctor, which has been appended with the status report, wherein the injury received is stated to be grievous in nature and has been caused by hot liquid.

7. Heard.

8. In the present case though admittedly the burn injuries have been attributed to the mother-in-law, however, a perusal of the FIR reveals that the appellant herein, who is the husband of the complainant, instead of taking her to the hospital (had it been a case of an accidental burn) locked her in a AC Room on the first floor and did not even allow her to call her parents. Even the mobile phone was taken away from the complainant. The next day the complainant managed to escape at about 4:00 am and by using the neighbour's mobile phone, she called her home and police helpline. Even as per the MLR, the complainant was admitted to the hospital by one Suman.

9. Keeping in view the conduct of the appellant, I do not find it to be a fit case to grant the concession of anticipatory bail to the appellant and accordingly, the present appeal is dismissed. Pending applications, if any, also stand disposed off.

10. It is made clear any observations made herein shall not be treated as an expression of opinion on the merits of the case.

21.11.2023
Aman Jain

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO