

(224)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-9791-2024

Date of Decision: 02.05.2024

INDERJIT BAINS @ VICKY BAINS

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Loveneet Thakur, Advocate
for the petitioner.

Mr. Harkanwar Jeet Singh, Asstt. A.G., Punjab.

Mr. Mittul S. Rana, Advocate
for the complainant.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail in case bearing FIR No.133 dated 02.09.2023 registered under Sections 307, 323, 34 IPC and offence under Section 326-A of IPC added later on vide DDR No.23 dated 24.11.2023 (Annexure P-2) at Police Station Sadar Hoshiarpur, Punjab.

2. The present FIR came to be registered at the instance of Bobby Kumar son of Sohan Lal and the same reads as under:-

“A Statement of Bobby Kumar son of Sohan Lal resident of village Hambran. Post Office Tanda District Hoshiarpur aged about 36 years, Mobile No.84274-94199, stated that I am resident of above mentioned address and am doing the work of contractor of waiters in the marriage functions, in regard to this work usually I visiting Hoshiarpur, a person working at Vishal Mega Mart Hoshiarpur, at the shop of

Chadha Financier, whose name and address I do not know. But I know him, who is recovering money from the people (which the people taken) by sitting near the Vishal Mega Mart, Jyoti wife of Sandeep Kumar resident of Jammu at present residing as tenant at Adamwal, near S.D. Public School P.S. Sadar Hoshiarpur was also come to him in regard to the amount, due to which I have also came into contact with Jyoti and Jyoti has get divorce from her husband, usually Jyoti is also talking with me on phone and about 2 months back Jyoti has taken Rs.4000/- from me on interest and she said that she will return Rs.5000/-. On 1-2 occasions I requested Jyoti to return the money, then she said when the amount will available with me then I will return to you, Jyoti is residing in relationship with Vicky Bains resident of Mohalla Aslambad Hoshiarpur, I do not know the name of his father, I have seen them together on many occasions, on dated 27.08.2023 in the evening I was present at home that I received phone call of Vicky Bains that come and take your money back from Jyoti then I said that I will come in the morning then on the next day I on my motorcycle went to the house of Jyoti at Adamwal to bring the money at time about 08:30AM and knocked the gate then two unknown youngsters come from the house and opened the gate and I entered in the house, Vicky Bains and Jyoti were also present there, then both the youngsters have started scuffling with me and started beating me and slapped me and gave punch blows to me, then a youngster gave blow of some sharp thing on my neck and Jyoti has also pushed me then in the meantime Vicky Bains has brought bottle of petrol and sprayed upon my clothes and set fire on me to kill me with the lighter, then my clothes catch fire, then I come out of the house and raised noise, then the people residing nearby have extinguished my fire and later they all were come out of the house, then the nearby people

said that call the police then Vicky Bains and one more youngster have taken me on their motorcycle to Civil Hospital Hoshiarpur and by following us Jyoti and other youngster were also came there, then they laid me on the bed in emergency and said that we are going to ATM to bring the money, then they did not come back, then my uncle (chacha) Ajit Singh @ Jitu's son Arun Kumar resident of Hambran who was accompanied by 2 other persons, come to hospital for some work, then Arun Kumar identified me and made phone call to my house, then my mother Jito Devi and my sister Kamla Devi wife of Sohan Lal resident of Udesia, P.S. Adampur Jalandhar who was come to meet us, came there, then the doctor after seen my condition referred me to government hospital Amrtisar, then my family members have admitted me in Sri guru Ram Dass Charitable Hospital Walla, Amritsar. Where I am under treatment, I can recognize the unknown persons as and when came before me. My whole body has been burnt from fire, after referred me, we could not inform to the police station, LTI/ Bobby Kumar, verified Kamla Devi (Kamla Devi w/o Sohan Lal resident of Udesia, Jalandhar M.No.97809-10124) attested Sd/- Sewa Das ASI P.S. Sadar Hoshiarpur dated 02.09.2023.”

3. The complainant was initially admitted at Civil Hospital, Hoshiarpur on 28.08.2023 but being in a serious condition was referred to Shri Guru Ramdass, Charitable Hospital Vallah, Amritsar. The doctor at the said hospital declared injury No.1 on the person of the complainant to be dangerous to life and as such Section 326A IPC was added vide DDR No.23, dated 24.11.2023.

4. As per the investigation, it was found that the petitioner had brought a bottle of petrol and had sprinkled it on the clothes of the complainant and had set him on fire.

5. During the pendency of the present petition, this Court had asked the Investigating Agency to verify as to the history given at the time of the admission of the complainant to the hospital. It transpired that the complainant/Bobby Kumar (injured) had initially given a history firstly at Civil Hospital, Hoshiarpur and thereafter at Shri Guru Ramdass Charitable Hospital Vallah, Amritsar to the effect that the petrol tank of his bike had burst and caught fire causing him injuries.

6. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. The real story was that Jyoti Bala was in relationship with the petitioner though she had earlier been involved with the complainant. As Jyoti Bala had ended her relationship with the complainant, he being a drug addict, he continued harassing and threatening Jyoti Bala. On the day of the incident, it was the complainant who had come to the house of Jyoti Bala where the petitioner was also present. The complainant had poured petrol upon himself and set himself on fire. It was the petitioner who had taken the complainant to the hospital. Taking advantage of the attempted suicide the complainant had falsely implicated the petitioner. In fact, the statements of the doctors of Civil Hospital, Hoshiarpur and Shri Guru Ramdass Charitable Hospital Vallah, Amritsar had been recorded to the effect that when the complainant had been taken to the said hospitals he himself had suffered a statement that he had got burnt on account of the bursting of the petrol tank of his motorcycle. As the

CRM-M-9791-2024

petitioner was in custody since 02.09.2023 but none of the 21 prosecution witnesses had been examined, the Trial of the present case was not likely to be concluded anytime soon and therefore, he was entitled to the concession of bail.

7. An affidavit dated 02.05.2024 by way of an affidavit of Amar Nath, PPS, Deputy Superintendent of Police, Sub Division City, District Hoshiarpur has been filed on behalf of the State by the learned counsel for the State. The same is taken on record. He alongwith the learned counsel for the complainant contend that the allegations against the petitioner were serious inasmuch as he had poured kerosene on the complainant/injured and had set him on fire causing serious burn injuries. Therefore, the petitioner was not entitled to the concession of bail. However, the learned State counsel concedes that when the complainant was taken to hospital he had stated that he had suffered injuries on account of the bursting of the petrol tank of his motorcycle.

8. I have heard the learned counsel for the parties.

9. Annexures R-1 and R-2 of the affidavit dated 02.05.2024 read as under:-

Annexure R-1

“I, Dr Shalini certify that patient Bobby son of Sohan Lal came to emergency department on 28.8.2023 around 8.45 AM. (as per records) Patient himself gave history that his motorcycle caught fire by itself while he was standing somewhere.

Patient was given the primary treatment and surgical opinion done. On specialist opinion, patient was referred to higher center.

Seal and signature

Dr Shalini Civil Hospital

Hoshiarpur”

Annexure R-2

To whomsoever it may concern

Respected Sir/Madam,

This patient Bobby 21 years old male (UMR No.3618137) (IPD No:571549) was admitted to Sri Guru Ram Dass Institute Medical Sciences and Research Hospital Sri Amritsar on 28.8.2023 with A/H/O 57% TBSA burns involving head, neck, Thorax, B/L upper limbs and abdomen due to petrol tank burst & bike caught fire causing burns to patient allegedly as informed by patient himself and Kamla Devi (patient's sister) on the date of admission (DOA) 28.8.2023.

Dr Prabh Simran Kaur

(2nd year Junior Resident)

Seal and signature

Dr Sardar Mahipal Singh

MBBS, MCH (Plastic Surgery)

Assistant Professor SGRDIMSAR Amritsar”

10. The aforementioned statements of Dr. Shalini of Civil Hospital, Hoshiarpur and Dr. Sardar Mahipal Singh, SGRDIMSAR Amritsar would show that when the complainant was admitted in the hospital he had categorically given a statement that his motorcycle caught fire. The said statements were made to the doctors on 28.08.2023 whereas the instant FIR came to be registered on 02.09.2023. The veracity of the prosecution case emanating from the FIR when read with the statements Annexure R-1 and R-2 shall be adjudicated upon during the course of the Trial. Admittedly, the petitioner is in custody since 02.09.2023 but none of the 21 prosecution

witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. In this situation the further incarceration of the petitioner is not required.

11. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Inderjit Bains @ Vicky Bains son of Naresh Kumar is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

12. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

02.05.2024
JITESH

Whether speaking/reasoned:- Yes/No
Whether reportable:- Yes/No