

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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CRM-M-57538-2023 (O&M)
Date of order: 28.02.2024

Amandeep Singh

.....Petitioner(s)

Vs.

State of Punjab & Another

.....Respondent(s)

CORAM: HON’BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Karambir Singh Kahlon, Advocate
for the petitioner.

Mr. Kunwarbir Singh, AAG Punjab.

Nidhi Gupta, J.

Present is the second petition filed by the petitioner under Section 439 of Code of Criminal Procedure seeking grant of regular bail in case FIR No.102 dated 02.09.2020 (Annexure P1) registered under Sections 498-A, 506, 323, 324 and 326-A IPC at Police Station Fatehgarh Churrian, Batala, Gurdaspur.

2. Learned counsel for the petitioner inter alia submits that the petitioner was married to respondent No.2/complainant on 28.10.2016. No child was born out of this wedlock. The petitioner was earlier granted bail under Sections 498-A, 506, 323 and 324 IPC on 01.12.2020 (Annexure P4) by learned Illaqa Magistrate, however, thereafter, the learned trial Court had added offence under Section 326A IPC, whereupon the petitioner again approached the learned Additional Sessions Judge for grant of bail, which has been declined vide impugned order dated

18.07.2023 (annexure P11). It is contended that false and omnibus allegations have been made in the FIR by the complainant against the petitioner/husband, father-in-law, mother-in-law and sister-in-law of the complainant. It is submitted that during investigation a separate DDR No.27 dated 23.11.2020 (Annexure P-6) was recorded, and upon investigation it was found that the other co-accused were not present at the place of occurrence. The said accused were therefore, declared innocent and exonerated, and offence under Section 307 IPC was also deleted. It is also submitted that thereafter, the complainant filed an application under Section 319 Cr.P.C. for summoning of father, mother and sister of the petitioner, however, the same has also been dismissed. It is submitted that accordingly, utterly false allegations have been made by the complainant against all the accused. Ld. Counsel further submits that the Medical Officer vide his opinion dated 26.09.2020 (Annexure P-7) had opined that the burn injuries on the person of the victim were superficial in nature and on non-vital parts of the body and had declared them simple in nature. It is submitted that the complainant already stands examined and she has supported the prosecution case. It is also submitted that the prosecution witnesses are deliberately not appearing before the learned trial Court to prolong the trial. It is therefore, prayed that the petitioner be released on regular bail.

3. Learned State Counsel files custody certificate dated 27.02.2024, which is taken on record. As per the custody certificate, the petitioner has been in custody for 9 months and 1 day. Learned counsel opposes the prayer for grant of regular bail to the petitioner on the ground

that very serious allegations have been made against the petitioner and father-in-law of the victim, to the effect that both of them picked up a *karahi* of boiling hot oil and threw the same on the victim with the intention to kill her. It has been stated in the FIR that the victim stepped back to save herself and the hot oil fell on her left arm and left leg. Ld. Counsel also refers to MLR (Annexure P-8) of the victim wherein four injuries/scaled skin with multiple blisters have been recorded on her left foot, left thigh, left arm and left side of the lower abdomen. It has even come on record that father and brother of the victim also received some injuries on their person as they were present at the time of occurrence. It is admitted that complainant has been examined; and out of 12 prosecution witnesses, 2 have been examined so far; and next date of hearing before the learned trial Court is 14.03.2024.

4. No other argument is made on behalf of the parties.

5. I have heard learned counsel for the parties.

6. 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 witness/complainant stands examined; application filed by the complainant under Section 319 Cr.P.C. for summoning of other co-accused, against whom similar nature of allegations as that of the petitioner were made, has been dismissed by the learned trial Court; as also the fact that perusal of custody certificate shows that the petitioner has been in custody as under trial for 9 months and 1 day; and there is no other case against the petitioner; and the fact that out of 12 prosecution witnesses, only 2 have been examined so far; and

therefore, conclusion of trial will take considerable time, present petition is **allowed**. Petitioner namely Amandeep Singh s/o Didar 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.

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

28.02.2024

Sunena

(Nidhi Gupta)

Judge

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