



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

224

CRM-M-49943-2023

Date of decision: January 21st, 2025

Manoj Kumar

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Ms. Garima Sharma, Advocate
for the petitioner.

Mr. Rajat Gautam, Additional Advocate General, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of regular bail in FIR No.148 dated 05.11.2021 under Section 307 of the IPC registered at Police Station Panjokhra, District Ambala.

2. Learned counsel for the petitioner submits that the petitioner (husband of complainant-since expired) has been in custody since 13.11.2021 for allegedly setting his wife ablaze. It has been submitted that out of 15 witnesses cited by the prosecution, only two stand examined till date.

3. On a pointed query put to the learned counsel as to whether the complainant had been examined, she submits that the complainant expired prior to stepping into the witness box as a prosecution witness.

4. On a previous date of hearing, it had been categorically stated by the learned counsel for the petitioner that the complainant-wife had died on account of high fever and not on account of the burn

injuries allegedly sustained by her at the hands of the petitioner. It had also been categorically submitted that there was no post-mortem report with respect to the cause of death of the complainant.

5. The State filed an affidavit of Deputy Superintendent of Police, Ambala, on 14.12.2023. Learned State counsel, on instructions, has not disputed the submissions made by the counsel opposite qua the custody period of the petitioner, stage of trial and in particular, to the complainant having expired prior to her evidence being recorded before the trial Court. Learned State counsel has also not disputed that other than the complainant, there was no material witness cited by the prosecution while presenting the challan against the petitioner. He, however, submits that one prosecution witness Dariya Lal (landlord of the parties), who allegedly sustained injuries, has also not been examined till date. However, learned State counsel has reiterated the allegations levelled by the complainant while lodging the FIR in question, which stands reproduced hereinunder:

“The copy of the complaint is as follows: Statement of Nisha Dio Ashok Kumar, W/o Manoj Kumar, Village Shivapuram Police Station T.P. Nagar, District Meerut, (UP) at present residing at Defence Colony, A. Cantt, age 30 Years 8930678704, it is stated that I am a resident of the above named address. My marriage was solemnized in the year 2010 with Manoj Kumar S/o Brahm Singh, resident Shivpuram, Meerut (UP). I have three children from this marriage. For searching for work for about 6 months, we along with the children are living in the house of landlord Gurpreet at Defence Colony, Ambala Cantt. My husband starting working in a cardboard factory and I started cooking in the nearby kothies. My husband has been a drug addict for many years and used to beat me when he was drunk. Many times my family members understand to my husband, but he did not stop

this. Who used to tell me many times during fights that I will eliminate you one day and also doubted on my character. That one day like every day on dated 02.11.2021 around 7:30 PM I was cooking at the house of Dariya Lal Yadav H.No. 36, SEC-A, Defence Colony, A-Cantt Cantt. At around 7.45 Kishore came to me in very silent mood in a state of intoxication alongwith a plastic bottle in his hand and he poured out it on my head, which contained petrol on it and stick a matchstick and set me on fire and told me that today I will kill you. My house owner Dariya Lal Yadav came and after seeing the fire, covered me with a blanket and stops the fire. After that I became unconscious. When I gain consciousness, I am admitted to Civil Hospital, Ambala Cantt. And later I came to know that Manoj and other family members died in this accident and I lateron came to know that my husband Manoj Kumar and landlord Dariya Lal Yadav were also injured in this accident. That my husband has deliberately poured petrol on me and set me on fire with the intention of killing me. Strictest Legal action should be taken against my husband and the harshest punishment should be given.”

6. I have heard learned counsel for the parties and perused the material placed on record.

7. The petitioner has been in custody for the last more than three years having been arrested on 13.11.2021. The trial has come to a total halt as it is not disputed by the learned State counsel also that only two prosecution witnesses have been examined till date after the charges were framed on 03.03.2022. The trial, therefore, is unlikely to conclude in the near future, with 13 witnesses still remaining to be examined.

8. In the facts and circumstances as enumerated hereinabove and in view of the long incarceration of the petitioner in the present case, this Court deems it fit to extend the concession of bail to the

petitioner. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

9. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

10. Needless to say, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

January 21st, 2025
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No