

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

103+220

**CRM-M-4346-2025(O&M)
Decided on : 26.05.2025**

VINOD KUMAR

. . . Petitioner(s)

Versus

STATE OF HARYANA AND ANOTHER

. . . Respondent(s)

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

PRESENT: Mr. Bhanu Chaudhary, Advocate and
Ms. Ekta Chauhan, Advocate
for the petitioner(s).

Mr. Anmol Malik, DAG, Haryana.

Mr. Sukhveer S. Killianwali, Advocate
for respondent No.2.

KIRTI SINGH, J. (Oral)

CRM-22246-2025

This is an application for placing on record the certified copy of statement of complainant as Annexure P-9.

2. Heard. For the reasons mentioned in the application, the same is allowed and Annexure P-9 is taken on record subject to all just exceptions.

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The jurisdiction of this Court under Section 483 of BNSS has been invoked for grant of regular bail to the petitioner in case FIR No.192 dated 25.06.2024 under Sections 323 and 498A of IPC (Section 307 of IPC was added later on), registered at Police Station Kalanwali, District Sirsa.



2. The translated version of the FIR is reproduced below:-

“Statement of Geeta Rani wife of Vinod Kumar resident of Sangaria Road, near Bishnoi Mandir Dabwali, now daughter of Sheraram son of Manphool Ram resident of Ward No.10, Master Colony Mandi Kalawali, age 25 years. Stated that I am resident of above given address and my husband doing the work of selling of rock salt and black salt. About 3 months ago, I and my husband Vinod Kumar along with mother-in-law, father-in-law and children had gone to Sehore, Madhya Pradesh to sell salt. We all had camped near Atal Hospital Ganga Ashram Sehore Road, then on 14.06.2024 my husband Vinod Kumar had consumed alcohol during the day and I had a quarrel with each other with my husband, so I had cooked food in the evening and my husband Vinod Kumar, in a drunken condition, sprinkled diesel oil on the tractor trolley and me, so I ran here and there to save myself, then my husband threw a burning matchstick on me, due to which my suit caught fire, the clothes I was wearing caught fire in the suit, due to the fire my hands, legs, stomach and chest got burnt. I raised noise "Bachao-Bachao" then on hearing the noise, passersby came to the spot, who extinguished the fire and took me to a nearby hospital for treatment, then my family members took me to Multi Care Hospital Bhopal for treatment and got me admitted, then on dated 21.06.2024, my brother Sonu brought me from Bhopal for treatment and admitted me to Aastha Hospital Sirsa on 22.06.24, where my treatment is going on. I am fully conscious and the reason for the grudge is that my husband, after getting drunk, used to harass and beat me every day for demanding a Bullet motorcycle in dowry, and due to not bring the motorcycle, he sprinkled oil and diesel on me and set me on fire. Strict legal action be taken against my husband. Due to fire on both my hands, I cannot put my signature. I am affixing my right foot thumb mark in presence of my brother Dharampal.”

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. It is further submitted that initially, when the complainant was admitted to a hospital in Madhya Pradesh, she did not level any allegations against the petitioner and stated that she sustained injuries due to the accidental fall of a burner while she was preparing food. Learned counsel places reliance on the statement of the complainant recorded under Section 164 Cr.P.C., annexed as *Annexure P-9*, wherein she has turned hostile. He further submits that the petitioner has undergone an actual custody of 10 months and 02 days and there is no other case registered against him.

4. Learned counsel for the respondent No.2 does not dispute the fact that the complainant turned hostile before the learned trial Court.



5. Learned State counsel has opposed the present petition, arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate in Court, which is taken on record. As per custody certificate, the petitioner has undergone an actual custody of 10 months and 02 days and there is no other case registered against him. He on instructions submits that charges were framed on 04.11.2024 and out of a total of 22 prosecution witnesses, only one has been examined till date. However, it is not controverted that the complainant has turned hostile.

6. Heard the rival submissions made by learned counsel for the parties.

7. Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the petitioner is behind the bars since 25.07.2024. It is not in dispute that the material witness i.e. complainant has been examined as prosecution witnesses and she has turned hostile. The final report under Section 173 Cr.P.C. was presented before the concerned Court and trial of the case has not made much progress as out of 22 prosecution witnesses cited, only one stand examined so far. Therefore, the trial in the present case will not conclude anytime soon. The culpability, if any, would be determined at the time of trial. No useful purpose shall be served by further detention of the accused/petitioner. Keeping the petitioner in further detention without the prospect of the trial being concluded in the near future, would be violative of his rights under Article 21 of the Constitution of India including the right to speedy trial, and is against the principle “Bail is a rule, jail is an exception” as elucidated in the judgment of Apex Court in **“Dataram Singh vs. State of Uttar Pradesh and another”**, (2018) 3 SCC



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22.

8. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate. The petitioner shall also abide by the following conditions:-

- (I) The petitioner will not tamper with the evidence during the trial.
- (II) The petitioner will not pressurize/intimidate the prosecution witness(s).
- (III) The petitioner will appear before the trial Court on the date fixed, unless personal presence is exempted.
- (IV) The petitioner shall not commit an offence similar to the offence of which he is accused of, or for commission of which he is suspected.
- (V) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade her from disclosing such facts to the Court or to any police officer or tamper with the evidence.

9. In case of breach of any of the above conditions, the prosecution shall be at liberty to move an application for cancellation of bail before this Court.

10. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial Court would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

Pending application(s), if any, also stands disposed of accordingly.

(KIRTI SINGH)
JUDGE

26.05.2025

Kavita

Whether speaking/reasoned: Yes/No*Whether Reportable:* Yes/No