

Mohd. YamIn Vs. State

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Court : Delhi

Decided On : Oct-01-1991

Reported in : 45(1991)DLT670; I(1992)DMC70

Judge : R.L. Gupta, J.

Acts : [Code of Criminal Procedure \(CrPC\) , 1973](#) - Sections 439

Appeal No. : Criminal Miscellaneous Appeal No. 1793 of 1991

Appellant : Mohd. Yamin

Respondent : State

Advocate for Pet/Ap. : B.K. Sharma and; K.G. Sharma, Advs

Judgement :

R.L. Gupta, J.

(1) Petitioner has applied for grant of bail. He is facing trial in a Case under Sections 352/498 read with Section 34 Indian Penal Code in Fir No. 480 of 1988 pertaining to P.S Gokal Puri.

(2) I have heard arguments advanced by learned Counsel for the parties. The main ground taken up on behalf of the petitioner is that the witnesses examined till now during trial have not supported the case of the prosecution and, therefore,

the petitioner was entitled to the grant of bail. I have gone through the statements of various witnesses. PWs. Manbir Singh, Shiv Nandan, Tidy a Devi and Raj Rani Gupta has stated before the police about. The complicity of the petitioner. They bad told the police that the petitioner was having strained relations with his wife, deceased Parveen and that on the fateful night the deceased had told them that the petitioner had run away after setting her on fire. However, when examined in Court, they resoled. Pws Km. Shabnam, sister of the deceased, however, did support the case of the prosecution. She stated that the deceased was married to the petitioner on 7-9-86 and after a very short time of 15 days the petitioner has started demanding articles like Motor Cycle and 50 sq. yards plot. He was even married earlier. Earlier also a case was initiated against the petitioner by her mother which ended in a compromise because the petitioner took oath of Kuran SHARIF. The deceased was often beaten by the petitioner. On the night of occurrence, when she along with her maternal uncle Aftab and other relations reached the matrimonial home, the deceased told them that the petitioner said that he would teach her a lesson of having made a report to the police and thereafter he poured kerosine oil upon her from the stove and set her on fire.

(3) It may be noted that still more witnesses remain to be examined. thereforee, at this stage, it cannot be said that there is no evidence against the petitioner implicating him for the offence with which he has been charged. The trial is still going on and it would not be desirable to grant bail to the petitioner at this stage. The petition is, thereforee, dismissed. The trial Court will, however, expedite the disposal of the case.

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