

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

CRM No.M-40536 of 2014

Date of Decision: 16.1.2015

Anwar Khan

.....Petitioner

Versus

The State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE MEHINDER SINGH SULLAR

Present: Mr.Karanvir Singh Khehar, Advocate for the petitioner.

Mr.Pravindra Singh Chauhan, Addl. AG Haryana for the State.

Mr.Mohd. Yousaf, Advocate for the complainant.

MEHINDER SINGH SULLAR , J. (Oral)

Petitioner Anwar Khan s/o Asloop Khan (father-in-law), has preferred the instant petition for the grant of concession of regular bail, in a case registered against him along with his son and main co-accused, namely, Anish (husband), wife Bashiri (mother-in-law) and daughters Khushbu & Khushnuma (married sisters-in-law) of Mumtaz, daughter of complainant EASI Mohd. Hanif s/o Hazi Ishaq (for brevity “the complainant”), vide FIR No.132 dated 6.4.2014 (Annexure P1), on accusation of having committed the offences punishable under sections 498-A, 316, 406, 304-B/34 IPC, in alternative u/ss 302/34 IPC by the police of Police Station Sector 7, Faridabad.

2. Notice of the petition was issued to the State.

3. After hearing the learned counsel for the parties, going through the record with their valuable help and after deep consideration over the entire matter, to my mind, the present petition for regular bail deserves to be

accepted in this respect.

4. Precisely, the prosecution, inter-alia, claimed that the marriage of Anish (main accused) was solemnized with Mumtaj on 22.12.2012 according to Muslim rites and ceremonies. Her father was stated to have given cash and sufficient dowry articles at the time of marriage, but the accused were not satisfied. Even they demanded more cash and gold after the marriage. It is not a matter of dispute that initially, the instant case was registered against the petitioner, his son Anish, wife Bashiri and daughters Khushbu & Khushnuma. During the course of investigation, Khushbu and Khushnuma, to whom similar allegations of cruelty were assigned, were found innocent and exonerated by the police. Moreover, the petitioner is father-in-law and the similar allegations of cruelty were assigned to his wife and other co-accused Bashiri. Indisputably, she has already been granted the benefit of regular bail, by means of order dated 13.11.2014 (Annexure P6) by the Additional Sessions Judge. Not only that, all the main allegations of cruelty in connection with and on account of demand of dowry are assigned to main accused Anish, son of petitioner and husband of the deceased (non-petitioner). Very vague and general allegations of cruelty in connection with and on account of demand of dowry, soon before the death of Mumtaj, are assigned to the present petitioner. In that eventuality, as to whether the penal provision of section 304-B IPC is attracted to the case of petitioner or not, inter-alia, would be a moot point to be decided during the course of trial after receipt of evidence of parties by the trial Court.

5. Be that as it may, the petitioner was arrested on 31.5.2014. Since then, he is in judicial custody and no useful purpose would be served to further detain him in jail. There is no history of his previous involvement

in any other criminal case. The final conclusion of trial will naturally take a long time.

6. In the light of aforesaid reasons, taking into consideration the totality of the facts & circumstances, emanating from the record, as depicted here-in-above and without commenting further anything on merits, lest it may prejudice the case of either side, during the course of trial of main case, the instant petition for regular bail is accepted. The petitioner is ordered to be released on bail on his furnishing adequate bail and surety bonds to the satisfaction of the trial Court.

7. Needless to mention that, nothing observed here-in-above, would reflect on the merits in the trial of main case, in any manner, as the same has been so recorded for the limited purpose of deciding the present petition for regular bail only.

(Mehinder Singh Sullar)
Judge

16.1.2015
AS