

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

Crl. Misc.M-18351-2018(O&M)

Date of Decision: July 24, 2018

Sarvej Ahmad

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Alok Mittal, Advocate
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

Dr. Anmol Rattan Sidhu, Sr.Advocate with
Mr. Nitin Neel, Advocate
for the complainant.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 8 dated 06.01.2018, under Sections 306, 498-A and 34 of Indian Penal Code, registered at Police Station Indri, Karnal.

Learned counsel for the petitioner contends that the petitioner herein was taken into custody in the aforesaid FIR on 07.01.2018. It is submitted that the petitioner has been falsely implicated in the present case. Learned counsel for the petitioner further contends that the allegations of Section 306 IPC would not attracted in the present case. In fact the petitioner herein wanted to solemnize the second marriage as the deceased was not able to conceive and being mohammedan/Muslim , it was very much within his rights to do so. It is also contended that the material

witnesses have been examined and that conclusion of trial will take sufficient time, therefore, the petitioner is entitled to be enlarged on bail.

Learned Senior counsel appearing on behalf of the complainant, submits that the extreme step was taken by the deceased due to constant pressure that was being exercised upon her by the petitioner herein.

Per contra, learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer and the complainant oppose the grant of regular bail while submitting that the offences alleged against the petitioner are serious in nature , however, they do not dispute the fact that the material witnesses have been examined.

I have heard learned counsel for the parties.

Since, the trial is likely to take some time and in view of the facts that that the petitioner herein has been in custody since 07.01.2018 and that the material witnesses have been examined, no useful purpose would be served in keeping the petitioner behind bars. At this stage, without expressing any opinion on the merits of the case, the instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal bond and surety bond to the satisfaction of concerned trial Court/Duty Magistrate.

July 24, 2018
seema

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No