

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

CRM-M-40800 of 2018

Date of Decision: October 25, 2018

Mubin

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Munfaid Khan, Advocate
for the petitioner.

Mr. Deepak Sabherwal, Addl. A.G. Haryana.

Mr. Farukh Abdulla, Advocate for complainant.

FATEH DEEP SINGH, J.

This order shall dispose off regular bail application under Section 439 Cr.P.C of the petitioner filed in case FIR No.13 dated 24.01.2018 under Section 306 IPC Police Station, Pinangwan, District Nuh.

The allegations levelled by complainant-Rafiq are that marriage between the deceased Anisha and the petitioner took place around ten years ago and that a demand of Alto car has come about from the side of the petitioner and that the petitioner was habitual to gambling and has been physically abusing the wife, as a consequence of which on 24.01.2018 the deceased was forced to commit suicide by hanging leading to arrest of the petitioner on 29.01.2018.

Learned counsel for the petitioner submits that the petitioner is behind the bars since more than ten months and that the very allegation of demand of dowry after ten years of successful matrimony is

highly implausible and that there is no semblance of previous allegation that has been brought against the petitioner in the commission of crime and it was because of mental state of the deceased she has committed suicide.

Learned State counsel assisted by learned counsel for the complainant has opposed the grant of bail to the petitioner on the grounds that there has been demand of Alto car and Rs.5,00,000/- in cash and that the petitioner habitually beating the wife which has forced her to take such a harsh step. Learned counsel for the complainant has sought to put forth that the evidence of the complainant is yet to be recorded.

A close look at the very allegations and the arguments of the two sides reflect that the allegations of demand of dowry had come about after ten years of matrimony when there is no semblance of evidence of intervening period regarding the same. The allegations of the prosecution hover around flimsy assumption for a motivated cause. The petitioner is behind the bars since long time and the trial is not likely to be concluded in near future. That culpability, if any, shall be determined at the time of trial and no useful purpose would be served by keeping the petitioner behind the bars, without adverting anything on the merits of the case, the present petition for grant of regular bail is allowed. Petitioner be admitted to bail to the satisfaction of the trial Court. However, any observations made herein shall have no bearing on the merits of the case.

(FATEH DEEP SINGH)
JUDGE

October 25, 2018

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No