

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

213

CRM-M-18386-2018

Date of Decision:22.01.2019

Rehmat

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr. Vaibhav Parashar, Advocate,
for the petitioner.

Ms. Priyanka Sadar, A.A.G., Haryana.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in FIR No.831 dated 12.08.2017 under Sections 498-A, 406, 323, 377, 506, 328 IPC, registered at Police Station City Ballabgarh, District Faridabad.

The aforesaid FIR was registered at the behest of complainant-Afsana, who is wife of the petitioner. As per FIR, marriage of the complainant was solemnized with the petitioner on 19.01.2014 according to Muslim customs, in which sufficient dowry articles were given by spending around Rs.9 lacs in the marriage. But the accused were not happy and started taunting the complainant for bringing insufficient dowry. The accused quarreled with the complainant. After the complainant gave birth to a girl child, the parents of the complainant gave a good amount of money

to the accused persons, but they were not happy and started demanding a

car, Rs.50,000/- and gold ornaments. A complaint was given by the complainant to the Women Cell, Ballabgarh against her in-laws. However, later a compromise dated 20.04.2017 was arrived at between the complainant and her in-laws and they have taken her along with them. But still the husband and in-laws keep on torturing the complainant and did not provide her food for 2-3 days together. One day, when she was doing the household work, then she heard the planning to kill her. The accused started beating the complainant and tied her hands and feet and put some poisonous substance in her mouth and for this reason, she got faint. Someone from the village had called the parents of the complainant. The people from the village took her to Alflah hospital and in the meantime, parents of the complainant also reached there.

Learned counsel for the petitioner has argued that the petitioner is in custody since 19.01.2018 and the complainant in the case has already been examined. The trial court has declined bail to the petitioner on the ground that in case the petitioner is admitted on bail, he may influence the witnesses. But now even the complainant has been examined on 17.01.2019 and against total 13 witnesses as cited by the prosecution, only 02 witnesses have been examined, thus, trial in the case will take long time.

Learned State Counsel on instructions from ASI Om Parkash does not dispute the custody period.

I have heard learned counsel for the parties.

Considering the fact that the petitioner is in custody since 19.01.2018, complainant in this case has been examined on 17.01.2019, coupled with the fact that out of total 13 witnesses cited by the prosecution, only 02 witnesses have been examined, so far, and trial in the case will take

sufficient long time, this Court finds that the petitioner deserves to be admitted on bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to furnishing of his bail bonds/surety bonds to the satisfaction of trial Court.

Since, out of the wedlock, there is a minor child who is staying with the mother, this Court finds that without prejudice to the claim of the parties, the petitioner shall pay a sum of Rs.3,500/- per month to the complainant-wife so that the child born out of this wedlock may not suffer adversely. For non-payment of the amount indicated here-in-above, the complainant may seek revival of the petition.

It is made clear that the petitioner shall not extend any threat upon the complainant or any other witnesses directly or indirectly.

January 22, 2019

seema

(HARI PAL VERMA)

JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No