

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

216+107

CRM-M-21829-2019(O&M)

Date of Decision:23.07.2019

Mohd. Suaib

.....Petitioner

Versus

State of U.T., Chandigarh

.....Respondent

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

Present: Mr. Inderjeet Singh Chawla, Advocate,
for the petitioner.

Mr. Amit Kumar Goyal, APP,
for U.T., Chandigarh.

HARI PAL VERMA, J.(Oral)

CRM-20729-2019

Prayer in this application filed under Section 482 Cr.P.C. is for
placing on record statement of PW1-Salamideen.

Application is allowed, as prayed for. The statement of PW1-
Salamideen is taken on record, subject to all just exceptions.

CRM-M-21829-2019

Prayer in this petition filed under Section 439 Cr.P.C. is for
grant of regular bail to the petitioner in FIR No.289 dated 29.09.2018
under Section 304-B IPC, registered at Police Station Sector-11,
Chandigarh.

Learned counsel for the petitioner states that the petitioner is in
custody since 29.09.2018. In the FIR, there is no such allegation that the

petitioner has ever harassed the deceased for demand of dowry. In fact, the allegation against the petitioner is that he was having some illicit relations with his Bhabhi. He further states that the complainant-Salamideen has been examined in the case and he has not supported the case of the prosecution, rather turned hostile.

Learned APP, U.T., Chandigarh, does not dispute the custody period and the fact that complainant-Salamideen has not supported the case of the prosecution so far as demand of dowry is concerned.

Heard learned counsel for the parties.

Perusal of the FIR shows that there is a reference in the FIR that the deceased used to inform the complainant that her husband harassed her and gave beatings to her. But there is no direct allegation against the petitioner that he ever demanded dowry except that the complainant has given Rs.50,000/- to the petitioner because he was in the need of money in his furniture work and he sold his motorcycle. While appearing as PW1, the complainant who had turned hostile was cross-examined. There is no reference of demand of dowry. Petitioner is in custody since 29.09.2018 and trial in the case is not likely to be concluded in the near future, this Court deems it appropriate to admit the petitioner 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.

However, it is made clear that the observations made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall proceed with the trial independently without being influenced by the order of bail passed by this Court.

It is made clear that the petitioner shall not extend any threat and shall not try to influence any prosecution witnesses directly or indirectly in any manner.

July 23, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No