

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

CRM-M No.21129 of 2019
Date of decision: 12th July, 2019

Nishant Khanna

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Arnav Sood, Advocate for the petitioner.

Mr. H.S. Grewal, Addl. Advocate General, Punjab
for the respondent/State.

Ms. Sarika Gupta, Advocate for the complainant.

FATEH DEEP SINGH, J.

Petitioner Nishant Khanna has come up in this second regular bail application under Section 439 Cr.P.C. in case bearing FIR No.118 dated 29.07.2018 under Sections 306, 34, 302, 465, 468, 120-B IPC pertaining to Police Station City, Hoshiarpur, the earlier one having been dismissed on 14.02.2019 (Annexure P5) by this Court. The present case has been registered on the statement of Amandeep Sharma, brother of deceased Kanchan Sharma, wife of the present petitioner. The marriage between the deceased and the petitioner was solemnized in September 2016 where sufficient dowry articles were given and during the course of matrimony a dispute arose between the couple over the infidelity of the husband. It was on 29.07.2018 around night when the complainant received a call from his sister that the accused was beating her as she had

come across a driving license of the paramour of husband denoting the petitioner as her husband and thereafter the complainant received a call that the deceased has died.

Learned counsel for the petitioner Mr. Arnav Sood, Advocate inter alia contends that the co-accused non-applicant Ritu Dhami has been allowed similar relief vide order dated 10.01.2019 by this Court and there is nothing suggestive to show that the petitioner husband was instrumental in this death. It is argued that earlier offence under Section 306 IPC was there and subsequently on account of influence by the complainant, offence punishable under Section 302 IPC has been added and that the petitioner is behind bars since a long time.

Learned State counsel, Mr. H.S. Grewal, Addl. Advocate General, Punjab on instructions from ASI Kartar Singh, Police Station City Hoshiarpur assisted by Ms. Sarika Gupta, Advocate representing the complainant, have sought to highlight the injuries detailed in the post-mortem examination of the deceased, arguing that it is very much evident having been caused by homicidal death at the behest of the petitioner and that the trial is underway and if allowed bail the petitioner would influence the witnesses.

Appreciating the submissions of the two sides, the case of co-accused non-applicant Ritu Dhami is at much variance from the present allegations against the petitioner. There are serious allegations against the petitioner immediate prior to this occurrence, and keeping in view heinousness of the offence and the apprehension of the State that if

allowed bail the petitioner might influence the witnesses, no fresh ground has been canvassed or arises to the petitioner for grant of bail. Finding no merit, the petition stands dismissed.

(FATEH DEEP SINGH)
JUDGE

July 12, 2019
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No