

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

213

CRM-M-29074-2019 (O & M)
Date of Decision:16.07.2019

Bashir @ Beer

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Surinder Thakur, Advocate
for the petitioner.

Mr. Hittan Nehra, Addl. A.G., Punjab.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 of the Code of Criminal Procedure for grant of regular bail in case FIR No.32 dated 09.05.2019, under Sections 324, 326, 148, 149, 379, 341 and 506 IPC, registered at Police Station Begowal, District Kapurthala, Punjab.

The FIR has been registered on the basis of statement of Liakat Ali, wherein it was recorded by him that he was married with Bhuta daughter of Bashir @ Beer about 6 years ago and he was having no issue from the marriage. His wife was taken by his father-in-law Bashir @ Beer about 1 year ago and he was asking him to divorce her daughter but he was not willing. He was making efforts to get back his wife with the intervention of respectables, but his father-in-law Basheer @ Beer did not agree. It was

also stated by the complainant that on 24.04.2019 at about 3.00 p.m. he was going to meet his relative Kala @ Ishar on his motorcycle PB-06-F6862, CT 100 Bajaj. When he reached near Thussi Bandh near cremation ground then one vehicle make Mahindra came there, but he could not read the number. Bashir @ Beer armed with Datar, Lal also armed with Datar, Mansoor, Shakeel Ahmed, Fakhruddin, Khanmeer, Hussain, Remu alighted therefrom and got him encircled. While raising Lalkara his father-in-law Basheer @ Beer said that he be not left alive. Then his father-in-law Bashir @ Beer gave Datar blow which fell below to his left elbow. Lal also gave blow of Datar which fell on his left forearm. He raised clamor, then Hussain took one paper from his pocket over which something was written in Urdu and took his thumb impression forcibly over the said paper. In the meantime his relative Kala @ Ishar and Pyara Singh reached there and accused fled away from the spot and they also carried his motorcycle by loading it on their vehicle. The complainant also forced to utter the word of "Divorce" as per religious requirement. Then he was taken to civil hospital by his relative Kala and Pyara Singh.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the case. He further submits that the complainant was never married with the daughter of the petitioner so the question of divorce does not arise at all. He further submits that the complainant wanted to get married his brother with the minor daughter of the petitioner forcibly. The complainant was already married with a lady namely Juna. The petitioner is in custody since 23.05.2019 and no useful purpose would be served by detaining him. According to him, the offences are triable by Magistrate.

On the other hand, bail application is opposed by learned State counsel. It is not disputed that the challan in the case is yet to be filed.

Considering the above background and the fact that the challan is yet to be filed and the trial is likely to take sometime, further detention of the petitioner may not be justified. Therefore, without meaning any expression on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

16.07.2019

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(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No