

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

CRM-M-29488-2019 (O&M)
Date of decision: 16.10.2019

Makhandin

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Raina S. Thakur, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, AAG, Punjab.

Mr. Mohd. Salim, Advocate
for the complainant.

GURVINDER SINGH GILL, J. (ORAL)

CRM-31184-2019

Allowed as prayed for subject to all just exceptions.

Main Case

1. The petitioner seeks grant of regular bail in case registered vide FIR No.269 dated 15.9.2018 under Sections 306, 316, 148, 149 of Indian Penal Code, 1860 registered at Police Station Dakha, District Ludhiana (Rural).
2. The FIR was lodged at the instance of Lalu Din wherein it has been

alleged that her daughter Bani was married to Rehmuddin about 7/8 years ago. It is further alleged therein that Rehumuddin used to quarrel with his daughter frequently and used to give beatings to her. On 8.9.2018 upon receipt of telephonic call from village Gahour that complainant's daughter's had expired, the complainant went to village Gahour along with his relatives and found dead body of his daughter lying there. The complainant alleged that upon inquiries made by him, he came to know that his son-in-law Rehmudin, brother Saif Ali, uncle Safaya and brother-in-law Sahu and three other unidentified persons had fought with his daughter on the night intervening 7/8.9.2018 and had hit her with iron rod on her head, as a result of which she had expired.

3. Vide order dated 26.8.2019, this Court had adjourned the matter so as to enable the State counsel to apprise this Court as to why offence under Section 302 IPC has not been added. Learned State counsel has today informed that it is a case where the cause of death had been opined to be on account of consumption of Organophosphorus and not on account of any injury sustained by the deceased.
4. Learned counsel for the petitioner has submitted that the entire in-laws family of the deceased has been falsely implicated in this case and in fact it is a case where deceased had consumed Organophosphorus and had committed suicide.
5. Opposing the petition, learned State counsel assisted by learned counsel for the complainant has submitted that since the petitioner is specifically named in the FIR and the dead body was also found to be sustaining some injuries, therefore, no case for grant of bail is made out. During the

course of arguments, learned counsel for the complainant also submitted that the gravity of the offence further aggravated on account of the fact that deceased was carrying pregnancy of about 7-8 months at the time of her death.

6. I have considered rival contentions addressed before this Court. The medical opinion has pin-pointed that cause of death was on account of consumption of Organophosphorus as the same was present in the body of the deceased. Without making any expression on merits of the case and while also bearing in mind that the petitioner who is father-in-law of the deceased and is senior citizen, has been behind bars since last one year, in my opinion, no fruitful purpose would be served by further detaining the petitioner behind bars as conclusion of trial, in its normal course, is likely to take some time. The petition, as such, is accepted and it is ordered that petitioner be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

16.10.2019
Gaurav Sorot

(GURVINDER SINGH GILL)
JUDGE

Whether reasoned / speaking? **Yes / No**

Whether reportable? **Yes / No**