

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(207)

CRM-M-24344-2020 (O&M)
Date of Decision : 31.08.2020

Javed Akhtar

....Petitioner

Versus

State of Punjab

.....Respondent

(through video conferencing)

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Pushpinder Kaushal, Advocate,
for the petitioner.

Harsimran Singh Sethi, J. (Oral)

CRM-20933-2020

Application is allowed, as prayed for.

CRM-M-24344-2020

The present petition has been filed under Section 439 Cr.P.C. seeking the benefit of regular bail to the petitioner in FIR No. 149 dated 29.04.2020, under Section 304-B IPC, registered at Police Station Dera Bassi, District SAS Nagar.

Learned counsel for the petitioner submits that the allegations, which have been alleged in the complaint with regard to the harassment of the deceased, are allegations much prior to the date when the deceased died and therefore, the said allegations cannot be taken into account as incident of harassment leading to death and the FIR registered against the petitioner under

Section 304-B IPC on the basis of the said allegations is not correct. Learned counsel for the petitioner further submits that the petitioner has attached the photographs of the deceased where, she has shown no sign of harassment and, therefore, the allegations of harassment against the petitioner are incorrect and as the petitioner is already behind the bars since 29.04.2020, he be granted the benefit of regular bail.

Notice of motion.

Mr. Sandeep Singh Deol, learned Deputy Advocate General, Punjab, who has also joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of respondent-State. Learned State counsel submits that there are specific and clear allegations against the petitioner in the FIR with regard to the harassment and as per those allegations, harassment of deceased led to her death. Learned State counsel further submits that though the challan has been put up but the charges are yet to be framed and the material witnesses are yet to be examined, therefore, if regular bail is granted to the petitioner, at this stage, there is a likelihood that he will influence the trial.

I have heard learned counsel for the parties and have gone through the record very carefully.

As per the allegation, harassment at the hands of the petitioner led the deceased to death. The allegations against the petitioner in the FIR are serious. Further, one or two photographs shown by the petitioner cannot be a conclusive proof of the treatment which the deceased was getting in her matrimonial home. Further, the charges in the present case are yet to be framed and the main witnesses are yet to be examined. In case, the petitioner is granted the benefit of regular bail at this stage, his chances of influencing the

trial, cannot be ignored.

In view of the above facts and circumstances, no ground is made out to grant the petitioner the benefit of regular bail, at this stage. Petition is, accordingly, dismissed.

August 31, 2020
kanchan/naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

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