

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

CRM-M No.23097 of 2019 (O&M)

Date of decision: 2nd March, 2020

Mustafa

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Parminder Singh, Advocate for the petitioner.

Mr. Deepak Manchanda, Addl. Advocate General, Haryana
for the respondent/State.

FATEH DEEP SINGH, J.

The allegations against the petitioner Mustafa in this second regular bail application under Section 439 Cr.P.C. in case bearing FIR No.615 dated 18.06.2017 under Sections 120-B, 302, 304-B, 307 IPC pertaining to Police Station Sadar Karnal, are that Faizan, brother of the present petitioner, who was already married and having four children, during the subsistence of his first marriage enticed the sister of the complainant, Aamir Bano and defiled her, as a consequence of which she got pregnant and thereafter Faizan married her too, out of which the couple was bestowed with two children and while Aamir Bano was 8 ½ months' pregnant Faizan accused unhappy with the dowry given at the wedding along with his family members used to harass and humiliate

Aamir Bano and demanded a sum of ₹ 10.00 lacs to facilitate another house for Aamir Bano. When unable to meet the demands, the accused husband started physically assaulting Aamir Bano and on 25.05.2017 an attempt was made to kill her by pouring kerosene oil and setting her on fire. The matter was thereafter compromised before the Panchayat after the police complaint was lodged. Bearing a grudge, Faizan had threatened the complainant. Subsequently sister of the complainant telephonically informed the complainant that Faizan, Ehsan, elder brother-in-law Mustafa (present petitioner) and younger brother-in-law Samim had hatched a conspiracy to kill her and her children as she had heard them while talking to each other. On 16.06.2017 Faizan gave a telephonic call to the complainant inviting her that they would go to Karnal to which the complainant refused and which was repeated thereafter on 17.06.2017 and then Faizan and Ehsan came to the house of the complainant and on the pretext that they wanted to purchase clothes for the children, told her to accompany them as Eid was to be celebrated. The complainant accompanied Faizan and Ehsan in a car and accused Samim and Mustafa prepared both the children of the second marriage and at that juncture finding the car overcrowded the complainant told them that it would not be possible for them to travel whereupon Ehsan got down the car and thereafter the complainant along with her sister and the children accompanied Faizan and all of them kept on roaming Karnal

city but Faizan did not purchase anything and around 3 O' Clock in the evening Faizan showed his inclination to return and intentionally diverted the car from Karnal Sugar Mills to the banks of the canal and which the complainant questioned, to which the accused Faizan replied that he was to get money from somebody on the way and while going near the canal accused Faizan jumped out of the car while the others fell in the gushing waters. People were attracted and who rescued the complainant while the second pregnant wife Aamir Bano along with her two children drowned into the water leading to registration of the present case.

Learned counsel for the petitioner Mr. Parminder Singh, Advocate inter alia contends that the petitioner is behind bars since 30.09.2017 and that neither there is any specific role attributed to him in commission of the offence nor the trial is likely to conclude in the near future.

Learned State counsel has vehemently opposed the bail on the grounds of heinousness of the offence and seriousness of allegations accusing the accused for having conspired with his close relations in the murder of two innocent children and the wife who was 8 ½ months' pregnant.

Going through the submissions of the two sides, the prima facie allegations levelled against the petitioner who happens to be close relation of the principal accused Faizan and the manner in which they

were involved prior to the occurrence and subsequent thereto is reflective of their active participation in this conspiracy. By the act of the accused, wife in her advance pregnancy along with two minor children has been murdered, which stirs the judicial conscience. Keeping in view the allegations, no cause for grant of bail is made out. As such the petition stands dismissed.

(FATEH DEEP SINGH)
JUDGE

March 2, 2020
rps

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