

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

CRM M-34608 of 2020 (O&M)

Date of Decision: November 06, 2020

Mustafa		Petitioner
	Versus	
State of Haryana		 Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Ms. Rosi, Advocate
for the petitioner.

Mr. Baljinder Virk, DAG, Haryana.

FATEH DEEP SINGH, J. (Oral)

The matter has been taken up through video-conferencing on account of lockdown due to outbreak of pandemic COVID-19.

Petitioner Mustafa who is in custody has come up in this 3rd petition under Section 439 Cr.P.C. moved in case bearing FIR No. 615 dated 18.06.2017 under Sections 302, 307, 304-B and 120-B IPC Police Station Sadar Karnal, District Karnal.

The brief facts are that one Faijan who happens to

be the real brother of the petitioner Mustafa out of his first wedlock had four children. It is through this marriage Faijan defiled Amir Bano sister of the complainant who got impregnated, thus, forcing Faijan to enter into wedlock with her as well out of which Amir Bano gave birth to two children who were minors at the time of this occurrence. As a consequence of matrimonial dispute the accused entered into a criminal conspiracy with each other and on 25.05.2017 an attempt was made to burn her by pouring kerosene upon her and set her on fire. The matter was reported to the police and a compromise was effected. Accused Faijan perturbed over this made plan with his co-accused to finish off his second wife and children born out of her. It is in furtherance of this the accused on the pretext of purchasing new clothes for the impending festivity took all the deceased in a car alongwith co-accused. It was, thereafter, on the banks of canal accused Faijan slipped out of the car and threw it alongwith the occupants who are his second wife and children who all drowned. The role attributed to the petitioner is of active participation in this conspiracy leading to three deaths of a wife and two minor children.

The contentions of the petitioner counsel Ma. Rosi are that there is no specific role attributed to the petitioner, who is behind the bars and that on account of pandemic Covid-19, the trial is not likely to be accomplished in the near future.

Mr. Baljinder Virk, DAG, Haryana learned State counsel has strongly opposed the bail on the grounds of heinousness of the offence whereby three innocent lives have been lost by intentional act of the accused.

This is the third regular bail application of the petitioner. The earlier bail applications too have already been declined by this Court vide orders dated 19.03.2019 and 02.03.2020. No fresh grounds have been canvassed or crystallizing in favour of the petitioner entitling him to any relief.

In view of the gravity of the offence, no case for allowing the present petition is made out and, accordingly, the present bail application stands dismissed.

November 06, 2020

amit rana

(FATEH DEEP SINGH)**JUDGE**

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No