

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

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CRM-M-23740-2021

Date of Decision: 30.06.2021

Ravi Khan ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. H.P.S.Ghuman, Advocate, for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by ASI Baljeet Singh.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.35 dated 30.03.2019 at Police Station Bhadson, Tehsil Nabha, District Patiala, under Section 306 IPC (Sections 304-B, 120-B & 316 IPC added later on).
2. The FIR in question was lodged at the instance of Saudagar Khan, wherein it is alleged that his daughter namely Salma Begam was married to Ravi Khan about 6 months back and that shortly after marriage i.e. after about 2-3 months of marriage, her in-laws as well as her husband Ravi Khan and her husband's mother Jawaida Begam and sister-in-law Sareeya Begam started harassing and humiliating complainant's daughter in order to press upon their demand of more dowry and also gave beatings to her. It is alleged

that Sareeya Begam, sister-in-law of complainant's daughter Salma Begam had come to her parental home on account of birth of child and was residing with them. It is alleged that on 29.3.2019 complainant's son-in-law i.e. Ravi Khan i.e. the petitioner called complainant's brother on telephone and told him that he was bringing Salma Begam (deceased) to her parental house and that she may be picked up from Government bus stand. Upon receipt of said telephone message, complainant's nephew Amir Khan went to Government bus stand and picked up complainant's daughter. Upon arriving home, complainant's daughter informed that her sister-in-law, mother-in-law and her husband had given beatings to her a day back in order to press upon demand of dowry and had told her to return back only after demand is fulfilled. It is alleged that the complainant's daughter was very upset and stated that it was better if she ended her life. The complainant however tried to pacify her as her daughter was 3 months' pregnant. It is alleged that the accused however again made a phone call raising their demands. It is alleged that at about 3:00 p.m. when the complainant and his son were away for work, then her daughter ended her life by hanging herself in the fodder room.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that the falsity would be evident from the fact that when the father and brother of the deceased were examined during the proceedings of trial as PW-1 and PW-2 respectively, none of them supported the case of the

prosecution at all. Learned counsel in this regard has drawn the attention of this Court to copies of the statements of PW-1 Saudagar Khan and PW-2 Mela Khan annexed as Annexures P-3 & P-4 respectively.

4. Opposing the petition, learned State counsel has submitted that since it is a case where specific allegations have been levelled in the FIR, no case for grant of bail is made out. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last more than 2 years. Learned State counsel has not disputed the fact that the material witnesses have already resiled.
5. I have considered rival submissions addressed before this Court.
6. Having regard to the fact that the material witnesses i.e. PW-1 Saudagar Khan and PW-2 Mela Khan, who are father and brother of the deceased respectively, had not supported the case of the prosecution at all and while also noticing that the petitioner has been behind bars since the substantial period of more than 2 years, further detention of the petitioner will not serve any useful purpose as the conclusion of trial will take some time. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

30.06.2021

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(GURVINDER SINGH GILL)**JUDGE**

Whether speaking/reasoned: **Yes/No**
Whether reportable: **Yes/No**