

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

227

CRM-M-38701-2021 (O&M)

Date of decision: 17.11.2021

Kashif Azeem

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Ghulam Nabi Malik, Advocate
for the petitioner.

Mr. HS Multani, AAG Punjab.

Mr. Anil Kumar Garg, Advocate
for the complainant.

HARNARESH SINGH GILL, J. (ORAL)

Through this 2nd petition, the petitioner seeks regular bail in case baring FIR No.191 dated 28.10.2020, registered under Section 498-A IPC, at Police Station Sadar Ahmedgarh, District Sangrur, the earlier one having been dismissed as withdrawn on 19.04.2021 .

Learned counsel for the petitioner submits that the marriage solemnized on 11.09.2018 between the petitioner and the complainant was a love marriage; that out of the said wedlock, one child was born; that earlier when the complainant had left the company of the petitioner, he had filed a petition for restitution of conjugal rights, wherein a compromise was effected, but despite that the complainant did not return to her matrimonial home to join the company of the petitioner and rather got registered the present FIR. It is further submitted that the petitioner has been in custody since 05.11.2020.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel assisted by learned counsel for the complainant submits that the petitioner has not approached this Court with clean hands, inasmuch as, he has also filed a suit for declaring his marriage with Manpreet Kaur, as void. He, however, does not dispute the custody period of the petitioner.

I have heard the learned counsel for the parties.

It was a love marriage between the petitioner and Manpreet Kaur. The petitioner has been in custody since 05.11.2020. At one point of time, the petitioner had filed a petition for restitution of conjugal rights, wherein a compromise was effected. Prosecution witnesses are yet to be examined. The trial is unlikely to conclude any time soon. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

17.11.2021

Renu Rawat

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No