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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-937-2022

Date of Decision: July 18, 2022

Sunny Masih

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Mr.Ritesh Pandey, Advocate
for the petitioner.

Mr.Rakeshinder Singh Sidhu, AAG, Punjab.

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RAJESH BHARDWAJ, J.(ORAL)

Instant petition has been filed under Section 439 Cr.P.C. praying for grant of regular bail to the petitioner in case FIR No.42, dated 20.08.2021, under Section 306 IPC, registered at Police Station Kotli Surat Mallain District Batala.

As per the factual matrix of the case, the present FIR was lodged by Tarsem Singh S/o Nazar Singh. It was alleged in the complaint filed to the police that the marriage of his daughter Savita was solemnized with the petitioner-accused Sunny Masih about 11 years ago. Three children were born out of marriage. The accused used to give beatings to his daughter and at number of times the relatives used to intervene. On 19.08.2021 at about 9.00 p.m. his daughter told him on telephone that her husband Sunny Masih and father-in-law Beera Masih gave her beatings as she has not brought sufficient dowry. On the next day, i.e. 20.08.2021, his son-in-law, i.e. petitioner-accused Sunny Masih called him and informed

that Savita had consumed the sulphas medicine. It was alleged that his daughter died due to harassment caused to her by her husband Sunny Masih and her father-in-law Beera Masih. The complaint was lodged to take the legal action against the culprits. On the basis of the complaint, the FIR was lodged and the investigation commenced. The petitioner was arrested on 21.08.2021. The petitioner approached the Court of learned Additional Sessions Judge, Gurdaspur, praying for grant of bail, who after hearing the parties, declined the same vide its order dated 15.12.2021. Aggrieved by the same, petitioner is before this Court by way of present petition.

Counsel for the petitioner has vehemently contended that petitioner has been falsely and frivolously implicated in this case. He has submitted that marriage between the petitioner and the deceased Savita was a love marriage which took place about 11 years ago and there was no question of any dowry demand. He has submitted that the couple was blessed with three children and the deceased being hyper sensitive used to quarrel on petty issues. However, as it was a love marriage between the petitioner and the deceased, there was no occasion for the petitioner to demand dowry or visit frequently his in-laws. He submits that after investigation, the challan was presented and after framing of the charge, the trial Court examined the complainant wherein he had denied the fact during his cross-examination that the petitioner was present at home on 19.08.2021. He also submits that it is also admitted by the complainant during cross-examination that the marriage between the petitioner and his daughter took place against their wishes. He submits that in the facts and circumstances, there cannot be any instigation, as enumerated under Section 107 IPC and thus offence under Section 306 IPC is not made out against the petitioner.

He submits that even otherwise, the material witnesses already stand examined and hence there cannot be any apprehension on the part of the petitioner for tampering with the evidences before the trial Court. He submits that in view of the above mentioned facts, the petitioner be granted bail.

Learned State counsel, however, submits that there are specific allegations against the petitioner regarding beating the deceased and causing harassment. He submits that it is on account of the same that the deceased was provoked to commit suicide. He submits that in all there are 12 prosecution witnesses out of which 4 have been examined including the complainant and two witnesses have been given up.

Heard.

Admittedly, the petitioner is behind bars since 21.08.2021. Marriage in question took place 11 years ago before the occurrence in question. It is also apparent from the record that it was a love marriage between the petitioner and the deceased. Material witnesses as per the submissions made by counsel for the State, have already been examined. Hence, there is no apprehension on the part of the petitioner for scuttling the ongoing trial. Though veracity of these allegations would be appreciated only after conclusion of the trial, however, confining to the bail the Court is of the opinion that counsel for the petitioner succeeds in making out a case for grant of bail to the petitioner. The trial would take some time for its conclusion and no purpose would be served by keeping the petitioner behind the bars for further period.

Petition is allowed.

Bail to the satisfaction of trial Court/Duty Magistrate

concerned.

Nothing said hereinabove shall be construed to be an expression on the merits of the case.

July 18, 2022
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(RAJESH BHARDWAJ)
JUDGE

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| 1. | Whether speaking/reasoned ? | Yes/No |
| 2. | Whether reportable ? | Yes/No |