

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CRM-M No.3592 of 2022 (O & M)
Date of decision:08.08.2022

Ashwani Chhabra and another

... Petitioners

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Suvir Sidhu, Advocate and
Mr. Gagandeep Jammu, Advocate
for the petitioners.

Mr. Prabhjot Singh Walia, AAG, Punjab.

SUVIR SEHGAL J. (ORAL)

CRM-24800-2022

Allowed as prayed for.

Annexures P-9 to P-11 are taken on record.

Main Case

This is the first petition filed by the petitioner under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail in case FIR No.245 dated 16.12.2021 registered under Sections 306 and 120-B of IPC, 1860, at Police Station Division 6, Police Commissionerate Jalandhar, Annexure P-1.

Version of the prosecution is that FIR, Annexure P-1, has been registered on the statement of Manoj Kumar Mago on the allegation that

his sister-Priya was married to Loveleen in 2004 and they had two children. Despite sufficient dowry, the in-laws were not happy and were constantly troubling his sister. Compromise was arrived at on various occasions, but the accused kept on causing disturbance in Priya's life. Her father-in-law expired about 03-04 years ago. A legal notice dated 01.12.2021 was served upon her and her husband to oust them from the residential house. Priya gave a complaint in the police station complaining of harassment and maltreatment. She used to remain tense due to harassment. On 15.12.2021, Priya called up her mother and told her that she is very upset and will end her life. On 16.12.2021, information was received that she has committed suicide.

Counsel for the petitioners submits that petitioner No.1 is the brother-in-law and petitioner No.2, who is the wife of petitioner No.1. By referring to the testimony of the complainant (PW-1), Hardik (PW-2) son of the deceased, and Sakshi (PW-3) sister of the deceased, Annexures P-9 to P-11, respectively, counsel for the petitioners urges that all the 03 crucial prosecution witnesses have not supported the case of the prosecution. He submits that in their testimonies, there is no allegation of harassment to the deceased. Counsel submits that petitioners are in custody since 17.12.2021, prosecution evidence is underway, therefore, they deserve to be released on bail.

Per Contra, State counsel, upon instructions from ASI Gurmail Singh, has opposed the petition and has submitted that there are specific allegations against the petitioner and their names figure in the FIR. As per his instructions, the deceased left behind a suicide note, but the

petitioners have not been named therein. Still further, he submits that 10 out of 27 prosecution witnesses have been examined.

Having considered the submission made by counsel for the parties, this Court is *prima facie* of the view that the complicity of the petitioners in the crime would be adjudicated by the trial court. The petitioners, who are in custody for the last more than 07 months would be entitled to be released on bail as material prosecution witnesses have been examined and the trial is not likely to conclude in the near future.

Without advertng to the merits or de-merits of the arguments addressed by counsel for the parties, petition is allowed. Petitioners are ordered to be enlarged on bail on furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

It is clarified that any observation made hereinabove shall not be construed to be an expression of opinion on the merits of the case.

08.08.2022

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(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No