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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-26832-2022

Date of Decision: 11.07.2022

Sahibaj Ali @ Sehbaj Ali & another

.....Petitioners

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Surinder Garg, Advocate
for the petitioners.

Mr. Kirat Singh Sidhu, DAG, Punjab.

JASJIT SINGH BEDI, J.(Oral)

The petitioners have prayed for grant of regular bail under Section 439 Cr.P.C, pending trial in case FIR No.113 dated 09.11.2021 registered under Sections 306/34 IPC at Police Station Smalsar, District Moga. The petitioners are in custody since their arrest on 10.11.2021.

The FIR was registered on the statement of Gurwinder Khan and the allegations as noticed by the Id. Addl. Sessions Judge, Moga in the order dated 06.12.2021 are as under:-

“In the present case, FIR was got registered at the instance of Gurwinder Khan. It is in accusation that he has a private clinic in village Singhawala and his three brothers are eldest to him and the youngest to him is Chhinder Khan alias Tawfiq Khan and younger to

him is Bidhu Khan. Chinder Kahur used to do whole work of house. On 10.4.2019 he got married with Hina. His wife had done Ilets before marriage. His wife went to Canada on August 10, 2019. His brother continued to send all her fees at Canada and they kept talking to her on the phone. When she stopped talking to the family on the phone, they met his in-laws i.e. father in law Siraj Ali, mother-in-law Rani and brother-in-law Sehbaj Ali and they told that they would talk with their daughter Hina and get her to talk to complainant on the phone. Thereafter they took respectables to his in laws house but they put off the matter on one pretext or the other. They spent about Rs.25 lakhs for sending his wife to Canada for education. As a result, his brother Chhinder Khan became ill due to mental illness. They used to give him medicine from nearby private hospitals. About a week ago today, he and his other relatives went to his inlaws' house where his father-inlaw, mother in law and brother in law met and told them that his wife Hina has not talked to them till now and they have spent a lot of money as result of which his brother remained sick. When they asked to settle the account, they told that they will sue him for dowry upon which they came back to their house. They told the whole thing to his brother Chhinder Khan. Chinder Khan consumed something poisonous in the night of 06/07-11-2021 and they got admitted him in Mandi Aadesh Hospital on 07-11-2021 where Dr. Sahib was treating him. Last night his brother Chinder Khan passed away. His brother had committed suicide as his father in law, mother in law, brother in law and wife used to humiliate and harass him Thus the FIR. ”

The learned counsel for the petitioners has argued that the petitioners are the father-in-law and brother-law of complainant-Gurwinder Khan and as per allegations, after the marriage of complainant with Hina daughter of petitioner No.2, she left for abroad and did not speak to the complainant and this resulted in depression to his brother Chhinder Khan @ Taufik Khan. As per prosecution, the victim had spent money in sending her abroad, therefore, he ended his life by consuming poison and the petitioners have been falsely implicated being the brother in-law and father-in-law of the complainant. He states that the investigation of the case is complete and the challan stands presented on 04.01.2022, but the charges are yet to be framed. He prays for bail, moreso, when the similarly placed co-accused of the petitioner has been granted the concession of bail vide order dated 30.05.2022 (Annexure P-2).

The learned State counsel has opposed the prayer on the ground that serious allegations of abetting the commission of suicide of the victim is levelled against the petitioners. He, on instructions, states that challan stands presented on 04.01.2022, but the charges are yet to be framed. He however, admits that the co-accused of the petitioners has been granted the concession of regular bail.

Considering the above background and custody of the petitioners, this Court is of the opinion that the conclusion of trial is likely to consume considerable time, as the trial is yet to commence and none of the 24 PWs have been examined till date. Therefore, further

detention of the petitioners may not serve any useful purpose, when the co-accused of the petitioners has also been granted the regular bail.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioners be released on regular bail in the above case, subject to their furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

The petition is allowed.

(JASJIT SINGH BEDI)
JUDGE

11.07.2022

JITESH

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No