

MOHAMAD GAFFUR

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Manuj Nagrath, Advocate for the petitioner.

Ms. Ruchika Sabherwal, DAG, Punjab.

VIVEK PURI, J. (ORAL)

Custody certificate of the petitioner has been circulated today and the same is taken on record.

Mohamad Gaffur-petitioner is seeking regular bail in the case bearing FIR No.16 dated 29.01.2022 under Section 306 IPC, 1860, registered at Police Station City Jagraon, Ludhiana Rural, District Ludhiana.

Briefly, the FIR has been registered on the basis of the statement of Sonu alleging that the marriage of his younger sister Salma was solemnized with Mohammad Khurshid about 8/9 months prior to the occurrence. She was being harassed for dowry. On 28.01.2022, the deceased came to her parental house and informed that her husband Mohammad Khurshid, Jeth-Mohammad Shafiq, Jeth-Mohammad Gaffur-petitioner and Jethani-Salma Khatun @ Bano have thrown her out of the house after giving beatings on the pretext of dowry.

Learned counsel for the petitioner contends that the allegations with regard to the demand of dowry have been disbelieved and furthermore, the FIR was registered and charge has been framed only under Section 306 IPC. The petitioner is the brother-in-law of the deceased. The death has occurred in the parental house of the deceased. The similarly placed co-accused, namely, Mohammad Shafiq who is also the brother-in-law of the deceased has been granted regular bail by the Court of learned

Khatun@ Bano, the co-accused is also on bail. The petitioner is in custody for a period of 07 months and 28 days and is not involved in any other case. The investigation of the case is complete, challan has been presented and charge has been framed but no witness has been examined till date.

Learned State counsel has opposed the bail application on the score that the death took place within a period of 8/9 months from the marriage and that too due to hanging.

It may be mentioned here that in the instant case, FIR was registered and charge has been framed only with regard to the offence under Section 306 IPC. The death took place in the parental house of the deceased. The petitioner is the elder brother of the husband of the deceased. Similarly placed co-accused has been granted bail. Petitioner is in custody for a period of 07 months and 28 days and is not involved in any other case. The investigation of the case is complete, challan has been presented and till date no witness has been examined during the course of trial. The conclusion of trial is likely to take sometime. No fruitful purpose will be served by detaining the petitioner in further custody. As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner.

Without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on bail on his furnishing requisite bail bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

The petition is allowed accordingly.

27.09.2022
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(VIVEK PURI)
JUDGE

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