

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRM-M-19039-2023 (O&M)****Date of decision: 17.07.2023****Sachin Chahal****...Petitioner(s)****Vs.****State of Punjab & Another****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA****Present:-** Mr. Balkar Singh, Advocate
for the petitioner.

Mr. Hitten Nehra, Addl. AG Punjab.

NIDHI GUPTA, J.

Prayer in the present first petition under Section 439 of Code of Criminal Procedure (hereinafter referred to as "Cr.P.C.") is for grant of regular bail to the petitioner in FIR No.18 dated 17.02.2023 under Section 304-B IPC registered at Police Station Naya Gaon, District SAS Nagar, Mohali.

2. On the basis of complaint filed by the father of the deceased wife of the petitioner, FIR was registered as follows:-

"Statement of Prakash Chander son of Sh. Banwari Lal resident of village Shergarh, Police Station Khuian Sarwar, District Fazilka, now resident of S.B.S. Nagar, Gali No.02 Sito Road Aboghar, Police Station Sadar Abohar, District Fazilka age about 52 years, Mobile No.98768-34486 stated that I am resident of above mentioned address and doing agriculture work. I have three children. Out of them the name of eldest daughter is Bhawna, age about 27 years, younger to her

Rashmi age about 24 years and younger to her son namely Lucky age about 22 years. The marriage of my eldest daughter Bhawna was solemnised on 04.11.2022 with Sachin Chahal son of Jogi Ram resident of village Ujana, Police Station Garhi, District Jind, Haryana, aged about 32 years as per Hindu Rites and Rituals at Abohar. That we had performed this marriage with great pump and show but even then the father of the boy namely Jogi Ram was not happy with this marriage. Because he was demanding time and again that my son is Lecturer, he is in need of Car, you may arrange Car for him, raised second demand that my son is settled at Chandigarh, arrange Flat for him. Thereafter, my daughter said to me that I am in need of Scooter then I had purchased Scooter No.PB-15-U-5785 Mark Activa Whiter Color for my daughter. Apart from it, as and when I or my wife talked with my daughter then she had told that aforesaid Sachin Chahal is harassing and humiliating her for petty matters and also gave beatings. Thereafter, my daughter Rashmi told me that on 13.02.2023 I had talked with Bhawna, who said that her mother-in-law and sister-in-law are taunting me and Sachin Chahal is not happy with the marriage of Bhawna. Today dated 17.02.2023 at about 08.30 A.M. I have received phone call of my son-in-law Sachin Chahal that Bhawna is not opening the door since night. Upon which I said him that why you have not informed us in night and I said to him that after got open the door and tell us the situation, then he has got open the door through some one and told us that Bhawna is lying dead on the bed, It seems that she has suffer Attack, then I along with my relatives immediately started for the spot, but on reaching at Naya Gaon we came to know that my daughter is not died

due to heart attack rather she has committed suicide, my daughter was national level player so can not commit suicide. I think that my daughter has been murdered. Kindly justice may be got provided to me....”

3. It is inter alia submitted by learned counsel for the petitioner-husband that the petitioner has been wrongly trapped in the present FIR and no such wrong act has been committed by the petitioner. It is further submitted that the FIR has been lodged due to some misunderstanding between the petitioner and the complainant-respondent No.2. It is further submitted that in fact compromise (Annexure P2) has been entered into between the parties. It is submitted that the petitioner has been behind bars since 17.02.2023 and the trial is going to take long time and no useful purpose is to be served in the further incarceration of the petitioner.

4. Custody certificate dated 16.07.2023 filed by the respondent No.1 is taken on record, as per which the petitioner was arrested on 17.02.2023 and has undergone custody of only 4 months and 26 days. Learned counsel for respondent No.1-Statesubmits that the petitioner was married to the deceased on 04.11.2022 and date of incident is 17.02.2023 and therefore, death has occurred after only three months of the marriage. It is stated that the deceased was a national level player. It is also submitted that as per allegations made in the FIR, the complainant had purchased Scooter Activa bearing registration No.PB-15-U-5785 for his daughter but still the petitioner and his family used to harass and beat the deceased-victim on petty issues. Learned counsel

contends that therefore the allegations contained in the FIR are specific and serious in nature. Learned counsel further submits that as per post-mortem report, the cause of death was “hanging which was ante mortem in nature”; and that sample of viscera has been sent for chemical examination, and mobile phones of deceased and petitioner have also been sent to FSL. However, reports are still awaited. It is also submitted that the State has no knowledge regarding the alleged compromise dated 06.03.2023 (Annexure P2) effected between the parties.

5. I have heard learned counsel for the parties.

6. Keeping in view the totality of the facts and circumstances of the case and without commenting on the merits of the case, present petition is **dismissed**. However, it is made clear that nothing stated above shall be deemed as an expression of opinion on the merits of the case.

7. Pending application(s) if any also stand(s) disposed of.

17.07.2023

Sunena

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No

(Nidhi Gupta)

Judge