

IN THE HIGH COURT OF PUNJAB & HARYANA,
CHANDIGARH

Sr. No. 296

Criminal Miscellaneous No.M-49947 of 2022

Date of Decision:18.01.2023

Sarajdeen @ Saraj Din

..... PETITIONER(S)

VERSUS

State of Punjab

..... RESPONDENT(S)

. . .

CORAM: **HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA**

. . .

PRESENT: - Mr. Dheeraj Mahajan, Advocate for the petitioner.

Mr. Harpreet Singh, Addl. AG Punjab.

. . .

Tribhuvan Dahiya, J (Oral)

This is first petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.55 dated 28.06.2022, registered under Sections 363, 365, 366, 368, 376-D, 506 IPC, at Police Station Sadar Pathankot, District Pathankot (Annexure P-4) during the pendency of the trial.

Learned counsel for the petitioner contends that the petitioner's brother Mustak Ali and the complainant Summa solemnized marriage on 18.04.2022 and filed a criminal writ petition seeking protection of their life and liberty before this Court. The same was disposed on vide order dated 21.04.2022 (Annexure P-1) by issuing appropriate directions. Thereupon, the complainant's family members entered the petitioner's house and took away his brother and the complainant along with them. In these circumstances, the petitioner

lodged an FIR No.44 dated 08.05.2022 against the complainant's family

members. He also filed a *habeas corpus* petition before this Court, i.e., CRWP No. 4448 of 2022 for recovery of his brother-Mustak Ali. This Court vide order dated 10.05.2022 (Annexure P-3) deputed a police officer for recording the statements of the complainant's relatives with regard to whereabouts of the detinue/petitioner's brother. As a counterblast, the present FIR was lodged by the complainant on 28.06.2022 levelling false allegations.

Learned counsel for the petitioner further contends that the present FIR is a result of undue influence and pressure exerted on the complainant by her family members. That is the reason the complainant did not support the prosecution version in her statement recorded under Section 164 Cr.P.C. He also submits that subsequently a compromise was effected between the petitioner's brother and the complainant as well as her family members before the Mediation and Conciliation Centre of this Court on 30.09.2022 (Annexure P-6), wherein the parties agreed to seek quashing of the present FIR No.55 dated 28.06.2022 registered under Sections 363, 365, 366, 368, 376-D, 506 IPC at Police Station Sadar Pathankot, District Pathankot, and two other FIRs, i.e., FIR No.44 dated 08.05.2022 under Sections 365, 451, 120-B IPC, registered at Police Station Division No.1, District Pathankot and FIR No.66 dated 14.07.02022 under Sections 365, 341, 147 IPC, registered at Police Station Sadar Pathankot, District Pathankot, said to have been lodged by the complainant's family members against the petitioner.

Learned State counsel, on instructions from ASI Balwinder Kumar, opposes grant of bail to the petitioner on account of specific allegations in the FIR. He, however, is not in a position to dispute the facts recorded above.

In view of this factual background, no useful purpose would be served by confining the petitioner to custody during pendency of the trial, if any. The petition is, accordingly, allowed and the petitioner is ordered to be released on bail on furnishing of requisite bonds/sureties to the satisfaction of trial Court/Duty Magistrate concerned.

(Tribhuvan Dahiya)
Judge

January 18, 2023
payal

Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No

