

CRM-M-61057-2022

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-61057-2022 (O & M)

Date of decision: 23.01.2023

Phool Kumar Goyal and another

...Petitioners

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Chetan Bansal, Advocate,
for the petitioners.

Ms. Ishma Randhawa, Additional AG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

CRM-3120-2023

Allowed as prayed for. Copy of order dated 13.01.2023 passed by the Hon'ble Supreme Court in Special Leave to Appeal (Crl.) No.174/2023, is taken on record as Annexure P-8.

CRM-1271-2023

This is an application under Section 482 Cr.P.C., for making corrections in the order dated 06.01.2023 passed by this Court.

Learned counsel for the applicant-petitioners contends that Nikhil Goyal had never solemnized marriage with Bhavna, and thus, the contentions made on behalf of the petitioners in the order dated 06.01.2023 may be read to the effect that Nikhil Goyal and Bhavna, were earlier married to their respective spouses, and that Nikhil Goyal was living with Bhavna in a live-in-relationship.

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Heard.

In view of the reasons mentioned in the application and the contentions raised by the learned counsel for the applicants, the present application is allowed and the order dated 06.01.2023 is modified accordingly.

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Through this second petition (the first one having been dismissed as withdrawn on 15.12.2022), the petitioners seek regular bail in case bearing FIR No.489 dated 04.12.2022, registered at Police Station City Ferozepur, District Ferozepur, under Section 306 IPC.

Status report by way of affidavit of the Deputy Superintendent of Police (City), Ferozepur, filed in the Court today, is taken on record.

Learned counsel for the petitioners contends that the above-noted FIR has been got registered by one Nidhi Sharma with the allegations that her sister-in-law was ill-treated by Nikhil Goyal and his family members, including the petitioners, and owing to the same, Chandra Shekhar Sharma, husband of the complainant, who was a practising lawyer in the District Court, Ferozepur, had committed suicide by jumping into a canal.

Learned counsel for the petitioners contends that petitioner No.1 is the father of Nikhil Goyal whereas petitioner No.2 is his brother, and that the petitioners have been in custody since 04.12.2022. Learned counsel further contends that the petitioners had no role to play in the alleged occurrence and that they had never ill-treated Bhavna, sister-in-law of the complainant; that Nikhil Goyal had never solemnized marriage with

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Bhavna and in fact, both of them, who were earlier married to their respective spouses, had been living together in a live-in-relationship.

Learned counsel for the petitioners further contends that co-accused, namely, Suman Goyal, Nehal Goyal, Rishu Mittal and Dinesh Kumar Mittal have since been granted the concession of *ad interim* anticipatory bail by this Court, vide order dated 09.12.2022, whereas co-accused, namely, Nikhil Goyal has been granted the concession of *ad interim* anticipatory bail by the Hon'ble Supreme Court, vide order dated 13.01.2023 (Annexure P-8).

On the other hand, learned State counsel, while opposing the grant of bail to the petitioners, submits that Nikhil Goyal had solemnized marriage with Bhavna on the false pretext that he had already taken divorce from his earlier wife and that he had no child born out of the said wedlock. In fact, Nikhil Goyal has one child, now aged about 07-year, who was born out of the wedlock of his first marriage. However, the petitioners and the co-accused had concealed the said fact from the complainant party.

Learned State counsel further contends that the petitioners were in the process of destroying the evidence qua the marriage of Nikhil Goyal, and that the petitioners alongwith the co-accused had ill-treated Bhavna and owing to the same, the husband of the complainant had committed suicide.

I have heard the learned counsel for the parties.

The petitioners, who are father and brother of Nikhil Goyal, have been in custody since 04.12.2022. Nikhil Goyal and Bhavna were earlier married to their respective spouses. As stated above, the co-accused

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have since been granted the concession of *ad interim* pre-arrest bail.

Trial of the case would take time to conclude. Therefore, no useful purpose would be served by keeping the petitioners behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioners are ordered to be released on bail on their furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

23.01.2023

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No