

CRM-14519-2024 in/and
CRM-M-3650-2023

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2024:PHHC:045758

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

103+204

CRM-14519-2024 in/and
CRM-M-3650-2023

Date of Decision: 04.04.2024

Vishal Bhalla

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Ritesh Pandey, Advocate for the petitioner.

Ms. Aakanksha Gupta, AAG, Punjab.

Mr. Vikas Kumar Gupta, Advocate for the complainant.

NIDHI GUPTA, J. (ORAL)

CRM-14519-2024

Application is allowed, as prayed for.

Copies of statement of the complainant, order preserving the call details, attendance sheet of the deceased and statement of the complainant before women cell and medical history of the deceased, filed along with the application are taken on record as Annexures P-5 to P-9, subject to all just exceptions.

CRM-M-3650-2023

The petitioner has filed the present 1st petition under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail in

case FIR No. 0174 dated 05.11.2022 registered under Sections 306 and 506 IPC at Police Station Sadar Hoshiarpur, District Hoshiarpur.

The aforesaid FIR was registered on the basis of statement of the complainant/mother of the deceased, which is reproduced as under:-

“Statement of Sukhwinder Kaur wife of Late. Mukhtiar Singh resident of Village Jaito Wali, PS Patara, District Jalandhar aged about 49 years. It is stated that I am resident of aforementioned address and do household work. I have two children. Elder daughter Samanpreet Kaur aged 25 years and younger son Karanvir Singh aged 22 years. My daughter after completing 10+2 class did a course of dietician. Her marriage was solemnised on 19.10.2020 with Bhupinder Singh son of Balbir Singh aged 31 years resident of Green Park, PS Adampur, District Jalandhar. They don't have any child. Samanpreet Kaur was working as a dietician from the past 6 months in IVY Hospital, Hoshiarpur. The GM of IVY Hospital Vishal Bhalla son of Gulshan Lal resident of House No. 533, near Avenue, Majitha Road Amritsar aged 41 years used to harass her and compel her to die. He used to say that give divorce to your husband and I will keep you as my wife. He used to say that I have taken divorce from my wife. Samanpreet Kaur used to tell me that she is very upset. Vishal Bhalla used to threat her to dismiss her from the job. On 04.11.2022 at around 6:30 PM I came to know that being fed up with GM Vishal Bhalla, Samanpreet Kaur has consumed sulphas. Vishal Bhalla got her admitted at Modern Hospital and ran away. I reached Modern Hospital, Hoshiarpur with my son in law Bhupinder Singh. We could smell sulphas when we came close to Samanpreet Kaur Her vomit was already cleaned with water. Doctor had referred her and she was being taken to

Johal Hospital, Jalandhar. Samanpreet Kaur told me on the way that she has consumed poison being fed up with GM Bhalla. Vishal Bhalla used to compel her to die and being fed up with him she has committed suicide. I was talking to my family members for taking action. I am the complainant. Legal action be taken....”

Learned counsel for the petitioner vehemently argues that the petitioner has no connection with the present case. In fact, the deceased was an employee of the petitioner, as she was working as a Dietician in the hospital of the petitioner. It is submitted that the deceased was facing matrimonial harassment from her husband and she had even filed a petition (Annexure P-1) for judicial separation under Section 10 of the Hindu Marriage Act, 1955, in which she had stated that she was continuously being harassed by her husband and in-laws. It is further submitted that the deceased had also filed a complaint dated 28.10.2022 (Annexure P-2) before the District Magistrate, Hoshiarpur, levelling the allegations of harassment, threats and using force against her husband and in-laws. Accordingly, learned counsel submits that the petitioner has been falsely implicated in the present case. The petitioner has been in custody since 06.11.2022. The trial is likely to take long time. No useful purpose will be served by further detention of the petitioner in custody. Thus, it is prayed that petitioner be released on regular bail.

Learned counsel for the State has filed custody certificate dated 03.04.2024, which is taken on record, as per which the petitioner has been in custody as an undertrial for a period of 01 year, 04 months

and 28 days. Learned counsel for the State vehemently opposes the prayer for grant of regular bail to the petitioner and submits that there are as many as almost 11 other cases pending against the petitioner. The FSL report has come positive for Aluminium Phosphide. Learned State counsel submits that husband of the deceased in his statement recorded under Section 161 Cr.P.C. has corroborated the version of the FIR lodged by the complainant. She further informs that out of total 14 prosecution witnesses, only 01 witness has been examined so far.

Learned counsel for the petitioner counters the submission of learned counsel for the State qua pendency of 11 more cases against the petitioner and submits that all the other FIRs pertain to the alleged financial irregularities and the petitioner is on bail in all those cases.

Learned counsel for the complainant also opposes the prayer for grant of regular bail to the petitioner and submits that though, the attendance sheet (Annexure P-7) (at page 12 of the application bearing CRM-14519-2024) depicts that on 04.11.2022, the deceased had left the hospital of the petitioner at 12:50 P.M., but no question to this effect was put to the complainant, while she stepped into the witness-box as PW-1.

Having heard learned counsel for the parties, but without commenting on merits of the case, however, keeping in view the totality of the facts and circumstances of the case; including the custody period undergone by the petitioner; and the fact that out of total 14 prosecution witnesses, only 01 has been examined so far, therefore, conclusion of the trial will take considerable time; and that bail is the rule and jail is an

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