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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-16147-2024
Date of decision : 09.04.2024

SAWANPetitioner

Versus

STATE OF PUNJABRespondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Ravi Malhotra, Advocate
for the petitioner.

Mr. Mohit Kapoor, Sr. DAG, Punjab.

PANKAJ JAIN, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.60 dated 21.03.2023 registered for the offences punishable under Sections 307, 323, 324 of the Indian Penal Code, 1860 at Police Station Phillaur, District Jalandhar.

2. Custody Certificate of the petitioner has been filed today in Court. The same is taken on record.

3. As per the contents of the FIR it has been alleged as under :

“xxx stated that I am resident of above said address and my marriage was solemnized on dated 22.03.2022 with Sawan son of Karu Sen, resident of Mohalla Dr. Ambedkar Nagar Ludhiana, at Dugri Road Ludhiana. My husband Sawan Kumar had affair with some other girl and therefore after marriage, my husband Sawan Kumar started quarreling with me and 2/3 times he had sent back me to my parental home at Jhugian Kali Wai, Kang Sabu, Police Station Nakodar, District Jalandhar, after extending beatings and

my parental family with the consent of Panchyat had sent me to my matrimonial home. On Dated: 16.03.2023 my husband told me that we both have to go to Dargah of Baba Ladi Shah, Nakodar to pay obeisance and at about 11 A.M. I along with my husband proceeded on motorcycle for Nakodar and when we reached little ahead of Haripur Khulso Railway Gate near minor river and then my husband Sawan turned the motorcycle at right side, toward river on Kacha Path and after ½ kilometer, stopped the motorcycle in bushes and made me sit in the bushes and picked the brick and gave blow of the same on my head with intention to kill and I became unconscious and fell down on the ground and then he gave blows of knife, holding in his hand, straight on my body, which hit on the palm of my right hand and fingers, left arm, near elbow, pen finger of left hand, right ear, below the neck, lip, right rib, right ear, right shoulder and below chest and after considering me dead, my husband ran away from the spot on his motorcycle and I gained consciousness after some time and I had after from the nearby house of Gurjar and reached at main road and passerby on seeing my blood stained cloths, made call at Number108 and called the Ambulance and got me admitted in civil Hospital Phillaur for treatment, where I remained admitted, till now talk of compromise was going on with my in-laws family, but could not finalized. Today I along with grand father in relation namely Suresh Pardhan son of Ravan Lal were coming to you for recording the statement.
xxxx”

4. Counsel for the petitioner submits that the petitioner is behind bars for more than 1 year and 18 days and has no criminal antecedents. He further submits that the investigation stands concluded and Challan stands presented yet the complainant is not coming-forth as she has left even her parental house. Reference is being made to the *zimini* orders passed by the Trial Court. Further refers to Annexure P-2 i.e. GD No.18 dated 17th of February, 2024 recorded on the statement made by mother of the

complainant which suggests that the complainant has eloped from her parental house with some boy.

5. Bail plea is being opposed by the State Counsel who submits that there are serious allegations against the petitioner of having attempted to murder of his own wife. There are stab injuries on the person of the victim and thus it is not a case for grant of bail. However, he does not dispute that by now, none of the witness could be examined despite the fact that the charges were framed on 7th of August, 2023 and the petitioner is behind bars for more than 1 year and 18 days.

6. I have heard counsel for the parties and have gone through records of the case.

7. Without commenting on the merits of the case, keeping in view the incarceration already suffered by the petitioner and the fact that the investigation already stands concluded and Challan stands presented, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

8. Needless to say that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

April 09, 2024		(Pankaj Jain)
Dpr		Judge
Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No