

2024:PHHC:031410

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

272 **CRM-M-57588-2023 (O&M)**
Date of Decision : March 05, 2024

MOHAMMAD SHAFIQPetitioner
STATE OF PUNJABRespondent
VERSUS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr.Abdul Aziz, Advocate
for the petitioner.

Mr. Raghav Garg, AAG, Punjab.

KULDEEP TIWARI. J.(Oral)
CRM-6227-2024

The application is allowed as prayed for and a copy of the
MLR dated 10.05.2023, is taken on record as Annexure P-2.

CRM-M-57588-2023

1. Through the instant petition, the petitioner craves for indulgence of this Court for his being enlarged on regular bail, in case FIR No.51, dated 10.05.2023, under Sections 323 and 341 of the IPC (Section 307 IPC added later on), registered at Police Station City-II, Malerkotla, District Malerkotla.
2. The petitioner was arrested in the instant FIR on 13.05.2023. The prosecution agency was set into motion on a statement made by Jarina (complainant/victim), who is the wife of present petitioner, wherein, it is alleged that the marriage between the petitioner and the complainant-Jarina, was solemnized about 22 years ago. It was further

alleged that the petitioner has taken money on credit from number of persons, and same are being paid back in the installments by the children of the petitioner and the complainant, and on dated 08.05.2023, when the complainant asked her husband (present petitioner) to return money of persons from whom he had raised loan, he got infuriated and picked up a kerosene bottle from the bathroom, and brought the same near her mouth, and put her *duppatta* on fire, and the same was put around her neck and the petitioner tried to put the complainant ablaze.

3. On the basis of the above, the instant FIR was registered and thereupon, the victim was admitted to the hospital, where she was medically examined. According to which, the victim (complainant) suffered eight burnt injuries.

4. Learned counsel for the petitioner in asking for the relief of regular bail to the petitioner, submits that petitioner and the victim have been residing happily for the last 22 years, and whether, the alleged occurrence was an outcome of an accident or intentional as alleged in the complaint, is a matter of fact, which is required to be proved by production of evidence by the prosecution.

5. He further submits that the matter between the victim/complainant, and the present petitioner, has been compromised on dated 26.02.2024, and in fact the victim/complainant is residing with the petitioner and, she is being taken care of by the family members of the petitioner.

6. Learned State counsel has vociferously opposed the asked for relief. He has placed on record a custody certificate *qua* the petitioner,

which is taken on record. A perusal of the same reveals that the petitioner has suffered incarceration of 9 months and 24 days as on today, and he is not involved in any other criminal case.

7. He further submits, on instructions, that after investigation, *challan* has been presented on dated 26.09.2023, and thereupon charges were framed on dated 30.10.2023, and out of the total 17 prosecution witnesses cited by the prosecution, none has been examined till date.

8. At this stage, Mr. Kuldeep Singh Siwach, Advocate, has caused appearance on behalf of the complainant, through a validly executed power of attorney in his favour, which is taken on record. He admits the factum of compromise between the complainant and the petitioner, and submits that he has no objection if the petitioner is granted the benefit of regular bail, so that one chance can be given to the parties concerned, to re-settle in their matrimonial life.

9. This Court has heard the learned counsel for both the parties concerned, and has gone through the entire case file.

10. Considering the fact that the petitioner and the complainant/victim are husband and wife, having a marriage since last 22 years, and they have compromised the matter and are now living together, coupled with the fact that the petitioner has already suffered incarceration for 9 months and 24 days as on today, and out of the total 17 prosecution witnesses, none has been examined till date, this Court deems it appropriate to grant the concession of regular bail to the petitioner. Therefore, without commenting upon the merits and circumstances of the present case, the present petition is **allowed**. The petitioner is ordered to

be released on bail on furnishing of bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

11. However, it is clarified that if in future, the petitioner is found indulging in commission of similar offences, as are involved herein, the respondent-State shall be at liberty to make an appropriate application seeking cancellation of regular bail, as granted by this Court. Moreover, anything observed here-in-above shall have no effect on the merits of the trial and is meant for deciding the present petition only.

12. All pending application(s), if any, also stands disposed of.

March 05, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No