

**212 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(through video conferencing)**

CRM-M-2348-2020
Decided on : 18.09.2020

Murtaza

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Sandeep Verma, Advocate
for the petitioner.

Mr. Apoorv Garg, DAG, Haryana.

Mr. Sarfraj Hussain, Advocate
for the complainant.

Manjari Nehru Kaul, J.

Learned counsel appearing for the petitioner has filed power of attorney with no objection from the earlier counsel for the petitioner through email, which is taken on record subject to all just exceptions.

Instant petition has been filed under Section 439 Cr.PC for grant of regular bail to the petitioner in case FIR No.205, Dated 14.05.2019 registered under Sections 148, 149, 323, 506, 328, 498-A IPC 1860 at Police Station Ferozepur Jhirka District Nuh.

Learned counsel for the petitioner *inter alia* that false allegations have been levelled against the petitioner. He further contends that it is still a debatable question whether complainant was forcibly administered poison or she herself consumed the same after learning about the marriage of her husband i.e. the petitioner with her sister. He further contends that the allegations levelled in the FIR in question does not attract the mischief of Section 498-A IPC. It has further been submitted that the petitioner is in custody since 06.08.2019 and only one witness has been

examined till date. The trial is thus unlikely to conclude in the near future. Hence, it is prayed that the concession of bail be extended to the petitioner.

Per contra, learned State counsel while opposing the prayer of learned counsel for the petitioner submits that the next date of hearing before the trial Court is 26.10.2020 when the remaining prosecution witnesses are likely to be examined.

Learned counsel for the complainant has vehemently opposed the submissions and prayer of learned counsel for the petitioner by arguing that there are serious allegations levelled against the petitioner for forcibly administering poison to the complainant after he performed marriage with the complainant's sister.

Heard.

The petitioner has been in custody since 06.08.2019, and thus the trial is unlikely to conclude in the near future more so in the wake of outbreak of pandemic COVID-19. Hence, the present petition is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

18.09.2020
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Whether speaking/reasoned:	Yes/No
Whether reportable :	Yes/No