

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

**Criminal Misc. No.M-4091 of 2020
Date of Decision: 07.12.2020**

Markas Masih

...Petitioner (s)

Versus

State of Punjab

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. SPS Aulakh, Advocate
for the petitioner(s).

Mr. Sidakmeet Singh Sandhu, A.A.G., Punjab.

Mr. Jagatpal Singh, Advocate
for the complainant.

HARI PAL VERMA, J. (Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

Prayer in this petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner in FIR No.92 dated 19.06.2018 under Section 304-B IPC registered at Police Station Shahkot, District Jalandhar Rural.

Learned counsel for the petitioner has argued that marriage between the deceased and the petitioner was solemnised in the year 2014 and there is one daughter aged about 4 years out of this wedlock, who is staying with her grand parents (parents of the petitioner). He has further argued that it was the petitioner who had taken the deceased to the hospital, where the deceased died due to poisoning with insecticide aluminum

phosphide, as per the opinion of the doctor. The petitioner is in custody since 04.12.2018.

At this stage, learned counsel for the complainant, on instructions from the complainant who is also available through video conferencing, submits that the complainant has no objection in case the petitioner is released on bail.

Learned State counsel does not dispute the custody of the petitioner as well as the fact that it was the petitioner who had brought the deceased to the hospital. However, he has argued that the deceased has died within 7 years of her marriage and therefore, the petitioner has been booked under Section 304-B IPC and thus, the petitioner is not entitled for bail.

I have heard learned counsel for the parties.

It has not been disputed that it was the petitioner who had taken the deceased to hospital. The complainant has not opposed the present petition for grant of bail. The petitioner has a 4 years old daughter who is staying with her grand-parents. Considering the fact that the petitioner is in custody since 04.12.2018 and trial in the case is not likely to be concluded in near future due to Covid-19 pandemic, this Court deems it appropriate to release the petitioner on regular bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to furnishing of his bail bonds/surety bonds to the satisfaction of trial Court/Duty Magistrate.

December 07, 2020

AK

Whether speaking / reasoned?

Whether reportable?

(HARI PAL VERMA)

JUDGE

Yes / No

Yes / No