

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-3889-2020

DATE OF DECISION: JUNE 29, 2020

KRISHNA

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. A.K. KHUNGER, ADVOCATE FOR THE PETITIONER.
MR. DHARUV DAYAL, SR. DAG, PUNJAB.

MANOJ BAJAJ, J.(ORAL)

Petitioner Krishna has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.22 dated 11.7.2018, under Section 304/323/34 IPC, Police Station Khui Khera, District Fazilka, pending trial. The petitioner is in custody since her arrest on 29.8.2019.

The FIR was registered on the basis of the statement of Jaswinder Singh wherein it was alleged that on 7.7.2018 at about 6.00 p.m., his neighbour Kala Singh was abusing complainant's wife and he (complainant) went upstairs and asked him to stop abusing. In the meantime, Krishna wife of Kala Singh hurled brick on the complainant which hit above the left eye, on the forehead of his son Raj Singh who was standing with him. Thereafter, Kala Singh also took up a brick and gave a blow and it hit on the left leg of Raj Singh. When the complainant climbed down from the roof and came in the street, Kala Singh gave blow from his gandasa on his head from its reverse side. Krishna wife of Kala Singh also brought a danda

and gave blows on his left knee and left ankle. Thereafter, the injured was taken to the hospital and the motive behind this occurrence was also narrated in the FIR. On these broad allegations, the above FIR was registered for the offences punishable under Section 323/34 IPC. Subsequently, complainant Jaswinder Singh died after 4 days on 11.7.2018, and the other offences were added.

Learned counsel for the petitioner contends that the victim had died as a result of 'Myocardial Infarction' and referred to the medical report (Annexure P-1). He submits that after completion of the investigation, final report was submitted by adding the offence punishable under Section 304 IPC. It is pointed out that in the said occurrence, the petitioner and her family members also suffered injuries. According to him, only two witnesses have been examined so far, out of total 20 witnesses and the trial is not making any headway, because of the spread of pandemic COVID-19. It is prayed that during the pendency of the trial, the petitioner be admitted on regular bail.

The prayer is opposed by Mr. Dhruv Dayal, learned State counsel who is assisted by ASI Jaspal Singh on the ground that not only the petitioner participated in the crime, but she was specifically named in the FIR also. According to the learned State counsel, she was armed with a danda and she caused injuries on the left knee and ankle of the victim. However, it is not disputed that the cause of death of victim was given as heart attack.

After hearing learned counsel for the parties, this Court does

not find any reason to decline the prayer of the petitioner as the trial is likely to consume considerable time, in the wake of outbreak of global pandemic, namely, COVID-19 in the region as certain restrictions have been imposed by State Government and District Administration in order to curb its spread, therefore, further custody of the petitioner may not be justified. Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to her furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

The petition is allowed.

June 29, 2020
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No