

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-13760-2020 (O&M)

Date of decision: - 07.07.2020

Hakiman

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Ghulam Nabi Malik, Advocate,
for the petitioner.

Ms. Gaganpreet Kaur, Assistant Advocate General, Haryana.

HARSIMRAN SINGH SETHI, J. (ORAL)

CM-12021-2020

As prayed for, application is allowed.

CRM-M-13760-2020

This petition has been taken for hearing through video conference due to Covid-19 pandemic.

Present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in FIR No.517 dated 10.09.2019, under Sections 498-A, 406 and 304-B read with Section 34 IPC, registered at Police Station City Ballabgarh, District Faridabad.

Learned counsel for the petitioner argues that the allegations of harassment alleged against the petitioner are totally false and no specific instance has been mentioned against her for demand of dowry.

Learned counsel for the petitioner further argues that petitioner is 60 years of age and keeping her behind the bars during the days of Covid-19 pandemic is likely to affect her health. Learned counsel for the petitioner submits that petitioner be extended concession of bail as she is behind the bars since 03.10.2019 and the complainant and sister of the deceased have already been examined and there is no likelihood that the petitioner will influence the trial, in case, she is extended the benefit of regular bail.

Learned State counsel submits that the allegations of harassment and demand of dowry have come against the petitioner. Learned State counsel concedes that the material witnesses such as complainant and sister of the deceased, have already been examined.

I have heard learned counsel for the parties and have gone through the record.

The allegations of harassment are yet to be proved against the petitioner. She is approximately 60 years of age and is behind the bars for the last eight months. Once, the material witnesses have already been examined, it cannot be said the petitioner, in case is extended the benefit of bail, will interfere and influence the witnesses during the trial. Furthermore, the petitioner is a senior citizen having health issues especially during the present circumstances of Covid-19 pandemic. Further, as the trial is likely to take some time and no purpose will be achieved in keeping the petitioner, who is senior citizen, behind the bars, petitioner has made out a claim for the grant of regular bail especially due to her age and risk to her health during the present circumstances of Covid-19.

Keeping in view the above, without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, if not required in any other case, subject to the satisfaction of trial Court/Duty Magistrate concerned.

It is also directed that if it is found that the petitioner is trying to influence the witnesses, in any way, the respondent-State will be at liberty to file a petition for cancellation of bail.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

Present petition stands allowed accordingly.

July 07, 2020
naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No