

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

CRM-M No.14872 of 2020 (O&M)
Date of Decision :16.07.2020

Rinku ...Petitioner

versus

State of HaryanaRespondent

Coram : Hon'ble Mr. Justice B.S. Walia

Present: Mr. Naveen Siwach, Advocate for the petitioner.
Mr. Deepak Bhardwaj, DAG, Haryana.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to the outbreak of pandemic Covid-19.

2. Prayer in the petition under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.279 dated 10.09.2019 registered under Sections 304-B, 34 IPC but later on converted to Section 306 IPC at Police Station Kunjpura, District Karnal.

3. The first application for regular bail was dismissed by the learned Additional Sessions Judge, Karnal, vide order dated 14.01.2020 (Annexure P-2), while the second application for regular bail was dismissed by the learned Additional Sessions Judge, Karnal vide order dated 07.04.2020 (Annexure P-3) on the ground that the complainant was yet to be examined and there were specific allegations in the FIR against the applicant i.e. the husband of the deceased, besides no fresh circumstances for allowing the second bail application had been made out.

4. Learned counsel contends that the marriage was of more than 09 years, the petitioner had 02 minor children who were being looked after

account of their old age, trial was at a standstill on account of prevailing covid-19 pandemic, complainant had not been examined, therefore, no useful purpose would be served by keeping the petitioner in custody since the allegations were the subject matter of evidence to be produced in trial.

5. Learned DAG, Haryana, on instructions from SI Kulwant Singh, confirms that although the complainant was produced before the learned trial Court but he was not examined on account of deferring of the trial.

6. In the light of the position noted above i.e. that the petitioner is in custody since 13.09.2019, has 02 minor children who cannot be looked after properly by their old grandparents, as also that the trial would take a long time to conclude due to uncertainty on account of coronavirus pandemic, no useful purpose would be served by keeping the petitioner behind bars. Accordingly, the petition for regular bail is **allowed**. The petitioner is ordered to be released on bail subject to his furnishing bail bonds / surety to the satisfaction of the learned CJM / Trial Court / Duty Magistrate, concerned provided that he is not required in any other case.

7. The petitioner shall not try to influence, intimidate or threaten the prosecution witnesses in any manner and in case of any such attempt, the bail granted would stand cancelled. However, nothing stated hereinabove would be construed as an expression of opinion on the merits of the case.

(B.S. Walia)
Judge

16.07.2020
'Rajneesh/Amit'

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