

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

Sr. No.206

CRM-M-14712-2020

Date of decision : 29.07.2020

Pawan

....Petitioner

versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Parveen Sharma, Advocate
for the petitioner.

Mr. Gurbir Singh Dhillon, AAG, Haryana.

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DEEPAK SIBAL, J. (Oral)

Case taken up through video conferencing.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.342 dated 24.10.2019, registered under Sections 304-B, 498-A, 302, 323 IPC at Police Station Murthal, District Sonapat.

Learned counsel for the petitioner submitted that the petitioner has been falsely implicated in this case; he is in custody since 12.11.2019; there is no other criminal case in which he is involved; there is no evidence on record, medical or otherwise, to show any injury on the body of the deceased; rather the medical evidence shows that the deceased died of natural causes and that the trial which is yet to commence is likely to take a long time to conclude.

Learned State counsel opposes the grant of bail on the ground that the petitioner is alleged to have committed a serious offence of

murdering his wife.

A perusal the order of the Trial Court denying bail to the petitioner reveals that the same was denied primarily for the reason that there was nothing on the record to support the petitioner's case that the deceased had died due to natural causes.

However, before this Court the petitioner has placed on record evidence to show that the deceased was having a history of bronchial asthma. The State has also placed on record an opinion by a board of doctors which went into the cause of death of the deceased. The operative part of the same reads as under:-

“After perusal of all the above mentioned documents, the board of doctors is of the considered opinion that the cause of death of deceased Sangeeta W/o Pawan was due to the described pulmonary pathology and its complications as evidence from the Histopathology report and treatment records and is a natural cause of death.”

As per the afore-quoted report, the death of the deceased was due to described pulmonary pathology and its complications and was due to natural causes.

No evidence was placed on the record by the State showing any injury on the body of the deceased.

In view of the above and for the reason that the petitioner is in custody for the last over eight months as also because the trial which is yet to commence is likely to take a long time to conclude especially in the present circumstances when the world is facing the pandemic Covid-19, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the

CJM/Duty Magistrate, Sonapat, the petitioner is directed to be released on

bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

(DEEPAK SIBAL)
JUDGE

July 29, 2020
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No