

In the High Court of Punjab and Haryana at Chandigarh

(Proceedings conducted through Video Conference)

CRM-M- 15457 of 2020 (O&M)

Date of Decision: 11.8.2020

Beero Bai

---Petitioner

versus

State of Punjab

---Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. Sandeep Verma, Advocate
for the petitioner**

Mr. Saurav Khurana. DAG, Punjab

Rekha Mittal, J.

The petitioner prays for grant of regular bail in FIR No. 58 dated 29.3.2019 registered at Police Station, Sadar Fazilka, District Fazilka for offence punishable under Section 302 read with Section 34 of the Indian Penal Code, 1860 (in short "IPC").

Counsel for the petitioner would state that though there is no progress in trial of the case as none of the prosecution witnesses has been examined till date but he does not press the application for grant of bail for all times to come and confines his prayer for grant of interim bail, in view of medical condition of the petitioner and the fact that regular courts are not functioning due to Covid-19 pandemic.

Counsel representing State of Punjab has opposed the prayer for grant of interim bail as well with the submission that in view of the allegations raised in the FIR that the petitioner developed extra marital relations and caused death of Chhinder Singh (her husband), the petitioner

does not deserve any concession.

Short affidavit of Arvinder Pal Singh, Superintendent, Central Jail, Ferozepur, received online, is taken on record. Along with the affidavit, document Annexure R-1 namely medical status report of undertrial Beero Bai has been appended. As per medical status report, the petitioner has Menorrhagia along with generalized weakness. She was anemic. On P/V examination, there was slight active bleeding per vaginum. She has slightly bulky uterus. She had uterine fibroid with left ovarian cyst for which she was referred to Civil Hospital, Ferozepur on 21.12.2019. Later, she was referred to G.G.S. Medical College/Hospital, Faridkot on 13.2.2020 where blood transfusion was done. At the time of admission, her HB was 3.5 Gm %. Two units of blood was transfused. At the time of discharge, HB of Beero Bai was 7.7 Gm %. She was advised total abdominal hysterectomy along with bilateral salpingectomy (TAH with BSO) but she refused for any kind of surgical intervention.

Taking into consideration medical condition of the petitioner coupled with that regular courts are not functioning and trial would not progress till the courts start recording prosecution evidence, the petitioner is allowed interim bail, subject to her furnishing bail bonds/surety bonds to satisfaction of the trial court/Additional Sessions Judge (on Duty), Fazilka. However, she shall abide by the following conditions:-

- (i) She shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer; and

(ii)She shall not leave India without previous permission of the Court.

(iii)She will surrender before the trial court, the moment regular courts start functioning. She will not wait for any intimation from the court and would surrender before the court on her own.

Disposed of.

(Rekha Mittal)
Judge

11.8.2020

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No