

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-17069-2020

Date of Decision: July 17, 2020.

DILBAGH SINGH

..... PETITIONER (s)

Versus

STATE OF PUNJAB

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Prateek Sodhi, Advocate for the petitioner.

Mr. A.A. Pathak, Addl. AG, Punjab.

LISA GILL, J.

This matter is being taken up for hearing through video conferencing due to the outbreak of pandemic, COVID-19.

The petitioner prays for grant of bail pending trial in FIR No.44, dated 20.04.2019 under Sections 304-B/34 IPC, registered at Police Station Jhander, District Amritsar.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the above mentioned FIR being the father-in-law of the victim. It is submitted that the petitioner's son and the victim solemnised marriage in May 2015 out of their own free will and volition, but against the wishes of the parents and family of the victim. Learned counsel for the petitioner refers to order dated 07.05.2015 passed in CRM-M-15014-2015 (Annexure P-2), which was filed by the petitioner's son and the victim seeking protection of their life and liberty. It is further submitted that an FIR dated 07.05.2015 under Sections 363, 366-A IPC was registered against the present petitioner and his son at the instance of the father of the victim.

Cancellation report in the said FIR was, however, filed after the victim suffered a statement to the effect that she had solemnised marriage with the petitioner's son out of her free will. Moreover, the petitioner, it is submitted, was living separately from the petitioner's son and daughter-in-law. Learned counsel refers to the Aadhar Cards of the petitioner and that of the victim as well as the petitioner's son, beside the income-tax certificate attached as Annexures P-3 to P-5, respectively. The petitioner was stated to be wrongly declared a proclaimed offender on 23.10.2019, as this action was taken during the pendency of his bail petition i.e. CRM-M-21320-2019. The said petition was filed on 10.05.2019 and ultimately dismissed on 14.11.2019. Learned counsel urges that the petitioner has been in custody since 10.01.2020, final report/challan stands presented and charge has been framed, however, due to the outbreak of the pandemic COVID-19, there is no progress in the trial of the case. The petitioner, it is stated, is not involved in any other criminal case. It is thus, prayed that the present petition be allowed and the petitioner be released on regular bail.

Learned counsel for the State on instructions from ASI Devinder Singh informs that the cause of death of the victim in this case is poisoning. As per the postmortem report, no injuries were detected on the person of the deceased. The petitioner's son, it is affirmed, is in custody. Learned counsel for the State is unable to deny that the petitioner was declared a proclaimed offender during the pendency of his bail application. Filing of the petition by the petitioner's son and the deceased seeking protection of their life and liberty pursuant to their marriage, is not denied. While not being able to deny the documents attached as Annexures P-3 to P-

5, learned counsel for the State submits that the petitioner's son and daughter-in-law were residing with the petitioner as well and merely due to this reason, it cannot be said that the allegations against the petitioner are not correct.

Be that as it may, it is not denied that the petitioner is not involved in any other criminal case and the final report under Section 173 Cr.P.C. stands presented. Charge has been framed and due to the outbreak of the pandemic COVID-19 there is not much progress towards conclusion of the trial. There are no allegations that the petitioner who is the father-in-law of the victim, is likely to influence witnesses or prevent them from deposing in Court. No useful purpose would be served by keeping the petitioner incarcerated any longer.

Keeping in view the facts and circumstances of the case but without commenting upon or expressing any opinion on the merits thereof, this petition is allowed. The petitioner be released on bail pending trial subject to his furnishing requisite bail bonds and surety to the satisfaction of the learned Trial Court/Duty Magistrate. It is made clear that the petitioner shall not attempt to contact any of the witnesses in this case. Any such attempt may entail cancellation of the bail accorded to him.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

17.07.2020

Sunil

(LISA GILL)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No