

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

209

CRM-M-18362-2020

Decided on : 25.08.2020

Ramesh

... Petitioner

Versus

State of Haryana

... Respondent

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr. Rakesh Nehra, Advocate for the petitioner (s).

Mr. Anant Kataria, DAG, Haryana.

(The proceedings are being conducted through
video conferencing, as per instructions.)

G.S. Sandhawalia, J. (Oral)

CRM-20802-2020

Application for placing on record the orders dated 13.08.2018, 26.09.2018 and 06.05.2019 as Annexures P-4 to P-6, are allowed, subject to just exceptions. Office to append the same at the appropriate place.

CRM stands disposed of.

Main case

In the present petition filed under Section 439 Cr.P.C., the petitioner seeks grant of regular bail in FIR No.550 dated 23.09.2017 under Sections 498-A, 304-B, 34 IPC registered at Police Station Sadar Bahadurgarh, District Jhajjar.

The first petition bearing CRM-M-41600-2018 was dismissed as withdrawn on 26.09.2018 (Annexure P-5). The second petition bearing CRM-M-8330-2019 was dismissed on 06.05.2019 (Annexure P-6) on the ground that the petitioner is husband of the deceased, specific role had been

attributed to him and he failed to explain the circumstances, which led to the cause for the wife to take the drastic step.

Counsel has mainly submitted that the petitioner has been arrested on 24.09.2017 and the bail had been declined by the Additional Sessions Judge, Jhajjar on 07.02.2019 (Annexure P-3) on the ground that the case was at a fag end and the earlier bail application had already been dismissed. It is submitted that in the changed circumstances since an application under Section 319 Cr.P.C., had been filed to summon the father of the petitioner as additional accused, which was dismissed on 05.06.2018, the matter needs a relook by the Trial Court. Admittedly, the complainant Devender Singh had filed CRR No.2229 of 2018, which was allowed on 06.05.2019 (Annexure P-1) and Chander Pal had been ordered to be summoned. The complainant had filed the application under Section 319 Cr.P.C., and was successful in getting a order, which has led to the delay in trial. Thus the petitioner cannot be prejudiced on this account. It is submitted that the proceedings commenced thereafter afresh and considerable time is liable to be consumed to conclude the trial.

It has also been mentioned in the affidavit of the DSP, Shri Ashok Kumar, Badli, District Jhajjar that out of the 12 witnesses , 9 have been examined in the Trial Court and 3 witnesses are yet to be examined and the case is now fixed for prosecution evidence. Counsel submits that the case is now fixed for 01.09.2020. The said affidavit further would go on to show that the petitioner was arrested on 23.09.2017 and has been in

custody for almost 3 years.

The allegations made in the FIR lodged by the father namely Devender Singh are that the deceased Pooja was married with the petitioner approximate 4 ½ years earlier and there was beating of the daughter by the family members. A son had born to the couple and a Alto K-10 car had also been given to the accused family at the time of marriage and the insurance of the same was also done by the complainant. He had been informed that on 23.09.2017 at about 10:16 AM by one Devender son of Hari Chand that Pooja had expired and it is the case of the counsel for the petitioner that the cause of death was also hanging.

Counsel for the petitioner has referred to the orders passed by the Trial Court on, 15.04.2020, 04.05.2020, 21.05.2020, 03.07.2020 and 06.08.2020, wherein no proceedings could be conducted by the Trial Court due to Covid-19 pandemic. It is, accordingly, submitted that the petitioner has undergone almost 3 years of custody and is entitled for regular bail.

In such circumstances, the petitioner has undergone the reasonable time of detention and keeping in view the fact that the situation of the pandemic Covid-19 is not likely to improve in the near future and the trial is likely to take some time. Thus, this Court is of the opinion that no useful purpose will be served by keeping the petitioner in further detention.

Resultantly, the present petition is allowed. The petitioner

be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate, Jhajjar.

AUGUST 25, 2020
Naveen

(G.S. SANDHAWALIA)
JUDGE

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