

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

CRM-M-19693 of 2020

Date of Decision: August 07, 2020

Jagjot Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Vipin Mahajan, Advocate,
for the petitioner.

Mr. P.S.Walia, AAG, Punjab.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.85 dated 09.08.2019, under Sections 304, 201 read with Section 34 IPC, registered at Police Station, Kalanaur, Police District Gurdaspur. The petitioner is in custody since his arrest on 28.12.2019.

As per the allegations in the FIR, complainant's daughter, namely, Harpreet Kaur had expired on the intervening night of 28/29.05.2019 and on the statement of her son Sarabjeet Singh, proceedings under Section 174 Cr.P.C. were initiated. At that time, the complainant was under suspicion that her daughter had not died naturally, but had been murdered. However, no complaint for registration of FIR was given because of the reason that proceedings might not be got initiated against an innocent person. Her daughter was having friendship with Dharaminder Singh alias Dhidda. The complainant was trying to find out the truth regarding the death

of her daughter and came to know that on 28.05.2019, Dharminder Singh took some intoxicant substance at some place and gave overdose to her daughter, due to which, she had expired. Dharminder Singh and his companion in order to eliminate the evidence, threw her dead body near the side of village Kushipur. On these broad allegations, the above FIR was registered.

Learned counsel for the petitioner contends that the victim, namely, Harpreet Kaur died on 28.05.2019, whereas the FIR was lodged after a long delay on 09.08.2019 on the statement of her mother, namely, Gurmeet Kaur. As per the allegations, the accusations were levelled against accused Dharminder Singh and the petitioner was not named in the FIR, who was later on indicted as an accused on the basis of the statement of the said co-accused. He has further invited the attention of the Court to the statement of complainant recorded as PW-1 before the trial Court to contend that she has not supported the prosecution case and was declared hostile. Learned counsel has prayed that the petitioner be released on regular bail, during the pendency of the trial.

On the other hand, learned State counsel, assisted by SI Narinder Singh, has opposed the prayer. However, he does not dispute that the FIR was lodged after a delay of three months, as initially no suspicion was expressed by the complainant, muchless even at the stage of the inquest proceedings. He further does not dispute this fact that the complainant has been declared as a hostile witness.

Considering the above background, custody of the petitioner and the fact that the trial is likely to consume considerable time to conclude as the country continues to be in the throes of global pandemic, namely,

COVID-19 and the State Government and District Administration have also imposed various restrictions to curb its spread, this Court does not find any reason to decline the prayer. The petitioner after his arrest on 28.12.2019, is presently confined in judicial custody, therefore, his further detention behind the bars may not be justified.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate, Gurdaspur.

The petition is allowed.

August 07, 2020
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No