

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

203

CRM-M-19437-2020(O&M)

Date of decision: 25.09.2020

Sanjeev Kumar

.....Petitioner

versus

State of Punjab

....Respondent

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. Jasdev Singh Mehndiratta, Advocate for the petitioner.

Mr. H.S. Multani, Assistant AG, Punjab.

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GIRISH AGNIHOTRI, J. (Oral)

The matter has been taken up through video-conferencing on account of restrictions due to outbreak of pandemic COVID-19.

Petitioner-Sanjeev Kumar, stated to be aged 37 years, has filed the present petition *inter alia* with a prayer for grant of regular bail in case FIR No.337 dated 23.12.2019, registered under Section 302 of Indian Penal Code, at Police Station Kotwali, District Patiala.

Learned counsel for the petitioner, based on the pleadings, submits that the petitioner is husband of Late Smt. Simran, who unfortunately passed away on 23.12.2019. He then submits that as per postmortem report, cause of death as per doctors, is the combination of smothering and throttling. He submits that the petitioner has two minor children aged about 09 years & 05 years. He further submits that there is no other male member in the family to take care of children as father of the

petitioner has already died. The children are stated to be staying with grand mother i.e. mother of the petitioner.

On instructions from SI Jagwant Singh, learned State counsel submits that challan in this case has been presented on 29.02.2020 and charges are yet to be framed. He further submits that there are total of 20 witnesses and none has been examined till date.

Faced with the situation, learned counsel for the petitioner submits that he has instructions from the petitioner to submit that in order to show his bona fide and in fact they were blessed with two children and were living normal and happy matrimonial life, the petitioner will get two FDRs of Rs.5 lacs each in the name of two children with an undertaking that he will not encash the said FDRs and these will remain in the name of minor children till further orders of the trial Court and the amount of said FDRs shall be utilized in future for benefit of the children.

Learned counsel for the petitioner also submits that in view of the COVID situation, detention of the petitioner in jail would be dangerous to his life and also the fact that trial is likely to take some time, the petitioner may be granted concession of regular bail.

In view of the peculiar facts noticed above and the present situation due to COVID-19 and also the fact that trial is likely to take some time, this Court deems it appropriate to direct release of the petitioner on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned, subject to his furnishing bail bonds/surety bonds. However, it is made clear that anything observed herein shall not be construed as an

expression on merits of the case.

In addition to the above said bail/surety bonds, in pursuance to the offer made by counsel for the petitioner, the petitioner would deposit (within one month from the date of his release), two FDRs in the name of two minor children (worth Rs.5 lacs each) to the trial Court, which shall remain as security till further orders of the trial Court. The petitioner is also directed to give an undertaking that the said FDRs shall not be encashed till the final order of the trial Court and shall be utilized in future for benefit of the minor children. The said undertaking shall also be sent to the concerned bank. The above said offer shall be without prejudice to the defence of the petitioner before the trial Court.

Accordingly, the present petition stands disposed of.

**(GIRISH AGNIHOTRI)**  
**JUDGE**

25.09.2020

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Whether speaking/ reasoned:

Yes/No

Whether Reportable:

Yes/No