

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-19553-2020 (O&M)

Date of Decision: 07.08.2020

Toshi

... Petitioner

VS.

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE GIRISH AGNIHOTRI

Present: Mr. Vipin Mahajan, Advocate for the petitioner

Mr. Rana Harjasdeep, DAG Punjab

GIRISH AGNIHOTRI, J. (Oral)

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

The petitioner Toshi who is stated to be aged 58 years has filed the present petition *inter alia* with a prayer for grant of regular bail. She has been allegedly involved in case FIR No.96 dated 11.05.2020 under Sections 306/34 IPC registered at PS Ajnala, District Amritsar Rural.

Learned counsel submits that in fact the allegations in the FIR are improbable and misplaced. He submits that there are two daughters of the petitioner born out of the wedlock with the deceased, who are 9 and 6 years of age. He submits that the marriage had taken place 10 years back. Both the daughters are now living with the relatives of the petitioner.

Notice of motion.

On the asking, Mr. Rana Harjasdeep, DAG Punjab accepts notice. Mr. Kanwar Pahul Singh, Advocate who is present also accepts notice on behalf of the complainant, through video conferencing.

Mr. Kanwar Pahul Singh, Advocate for the complainant submits that as has been mentioned in the FIR, the family of the deceased

used to receive phone calls about harassment to her by the inlaws of the deceased.

Learned State counsel submits that the challan is ready but the same has not been presented as yet.

Faced with this learned counsel for the petitioner submits that the petitioner is a widow and an aged lady. She also needs to take care of the two daughters as their father (husband of the deceased) is still behind bars. He further submits that the co-accused Monika has been granted anticipatory bail by this Court vide order dated 12.06.2020 passed in CRM-M-14992-2020 (P7). Counsel for the petitioner then submits that due to COVID situation retention of the petitioner in jail is dangerous to her life and otherwise also the trial is likely to take some time.

In view of the above, this Court deems it appropriate to release the petitioner on regular bail subject to her furnishing adequate bail bonds/surety bonds to the satisfaction of the Duty Magistrate/trial court concerned.

In view of the peculiar circumstances as noticed above, in addition to bail bonds/additional surety which the trial court may further require the petitioner to furnish as it deems appropriate, the petitioner is directed to furnish two FDRs of Rs.5 lakhs each in the name of the two daughters and give an undertaking which shall be duly sent to the Bank that the said FDRs shall not be encashed by anyone except the same can be used for the benefit of minor daughters. The said FDRs shall be deposited within one month from the date of release of the petitioner before the Duty Magistrate/trial Court which shall await further orders of this Court.

However, it is made clear that anything observed herein shall not be construed to be an expression on merits of the case.

Disposed of.

07.08.2020
vishal shonkar

(Girish Agnihotri)
Judge

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| 1. <i>Whether speaking/reasoned?</i> | Yes/No |
| 2. <i>Whether reportable?</i> | <i>Yes/No</i> |