

**204 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(through video conferencing)**

CRM-M-19596-2020
Decided on : 14.08.2020

Gurcharan Singh @ Pappu

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. J.S.Jaidka, Advocate
for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab.

Mr. B.S.Toor, Advocate
for the complainant.

Manjari Nehru Kaul, J.

Instant petition has been filed under Section 439 Cr.PC for grant of regular bail to the petitioner in case FIR No.26 dated 03.03.2020 registered under Section 304 IPC at Police Station Sidhwan Bet, District Ludhiana.

Learned counsel for the petitioner inter alia contends that the FIR in question has been registered after a delay of two years from the date of alleged occurrence. The allegations levelled in the FIR are not supported by any evidence much less any medical evidence or postmortem report to support the factum of the deceased having been beaten to death. He further contends that the petitioner is in custody since 04.03.2020 and till date only challan has been filed by the prosecution.

Learned counsel for the complainant has entered appearance and annexed certain photographs of the dead body of the deceased along with duly sworn in affidavits by the petitioner at the time of the death of his wife wherein he allegedly apologized to the complainant for beating his wife

to death and also gave an undertaking that he would not remarry till he performed the marriage of his daughters. The learned counsel for the complainant has submitted that since the petitioner had retracted from his undertaking given to the complainant and had remarried, the complainant was left with no other option but to report the matter to the investigating agency about the crime in question.

Per contra, learned State counsel on instructions from ASI Hardeep Singh has submitted that the next date before the trial court is 20.08.2020 when the charges are likely to be framed against the petitioner. He has however, conceded that the FIR in question was registered after a gap of two years from the alleged occurrence and no postmortem was conducted on the deceased with respect to the cause of her death.

Heard.

In view of the submissions made by learned counsel and the fact that the petitioner has been in custody since 04.03.2020, the trial is unlikely to conclude in the near future more so in the wake of outbreak of pandemic Covid-19. Hence, the present petition is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

14.08.2020
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Whether speaking/reasoned:	Yes/No
Whether reportable :	Yes/No