

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

211

CRM-M-20350-2020 (O&M)
Date of decision: 10.08.2020

Aakil

....Petitioner

versus

State of Haryana

....Respondent

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. Munfaid Khan, Advocate
for the petitioner.

Mr. Rajeev Goyal, DAG, Haryana.

GIRISH AGNIHOTRI, J. (Oral)

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

Petitioner-Aakil, stated to be aged 24 years, has filed the present petition under Section 439 Cr.P.C., *inter alia* with a prayer for grant of regular bail in case FIR No.540 dated 25.10.2019, registered under Sections 304-B & 34 IPC, at Police Station Tauru, District Nuh.

At the outset, learned counsel for the petitioner, submits that in memo of parties of the petition, age of the petitioner has wrongly been mentioned as 54 years and he makes an oral request that the correction be made in the memo of parties for treating the age to be 24 years.

Request is accepted.

Registry is directed to do the needful.

Learned counsel for the petitioner, based on the pleadings, submits that marriage of the petitioner had taken place in the year 2016. He further submits that there are two children from the wedlock. It has been pleaded in the petition that deceased was allegedly suffering from some serious disease/depression and she consumed some poisonous substance in the process. It was the petitioner and his family members, who had taken her to the hospital, at Tauru, District Nuh and from there, she was shifted to Medical College at Nalhar for treatment. He then submits that they had actually made best efforts to save her, but, she died within seven years from the marriage.

On instructions from ASI Narinder Singh, learned State counsel submits that challan in this case has been presented on 24.01.2020 and the charges have been framed on 28.02.2020. It is also submitted that there are total of 18 witnesses and out of them, none has been examined till date.

Faced with the situation, learned counsel for the petitioner submits that in fact, brother of the petitioner had given an affidavit on 23.04.2020 to the effect that initially FIR was lodged because he and his family members were emotional and angry on death of the lady. The affidavit further reads that Aakil and his family members have not demanded dowry and other allegations in the FIR have also been denied.

Learned counsel for the petitioner further submits that due to the present COVID-19 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, 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. In addition to the above said bail/surety bonds, the petitioner is directed to deposit two FDRs, in the name of two children, amounting to Rs.2 lacs each, within one month from the date of his release. He will also give an undertaking that the said FDRs will not be encashed and would only be used for the benefit of minor children. The said undertaking would also be sent to the concerned bank from where the FDRs being made. However, it is made clear that anything observed herein shall not be construed as an expression on merits of the case.

The petition stands disposed of accordingly.

(GIRISH AGNIHOTRI)
JUDGE

10.08.2020

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Whether speaking/ reasoned:

Yes/No

Whether Reportable:

Yes/No