

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

210

CRM-M-20719-2020

Date of decision: 09.09.2020

Tilak Raj

.....Petitioner

versus

State of Punjab

....Respondent

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. Vinod Kumar, Advocate for the petitioner.

Mr. Amar Ashok Pathak, Addl. AG, Punjab.

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-Tilak Raj, stated to be aged 44 years, has filed the present petition *inter alia* with a prayer for grant of regular bail in case FIR No.5 dated 18.01.2020, under Section 306 of Indian Penal Code, registered at Police Station Talwara, District Hoshiarpur.

Learned counsel for the petitioner submits that in fact, perusal of the FIR would show that Pooja Rani had got married with the petitioner in the year 2011. It is further mentioned in the FIR that they were having three children. Father-in-law of the petitioner has then alleged in the FIR that the petitioner is a liquor addict and often use to give beatings to Pooja Rani. It is then mentioned that Pooja Rani had consumed pesticides (used for wheat crop) during the day. On the very same day, at 9.40 pm, she unfortunaely

died.

On instructions from SI Om Parkash, learned State counsel submits that he has confirmed from the Investigating Officer (in pursuance to order dated 11.08.2020, passed by this Court) and has instructions to say that Pooja Rani unfortunately died because of consumption of pesticides. He submits that charges have been framed in this case and there are total of 12 witnesses, but none has been examined till date.

Faced with the situation, learned counsel for the petitioner submits that the petitioner was arrested on 18.01.2020 and there are three minor children, who are living with their mother, he prays that the petitioner may be granted concession of bail so that he can look after his children. Learned counsel further submits that he has instructions from friend of the petitioner that the petitioner in order to show his bona fides, would get three FDRs made in the name of three children, worth Rs.50,000/- each, with further undertaking that the said FDRs shall not be encashed till the final decision of the trial Court and the amount shall be utilized for benefit of minor 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 1½ months from the date of his release), three FDRs in the name of three minor children (worth Rs.50,000/- each) to 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 for the benefit of the minor children. 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

09.09.2020

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Whether speaking/ reasoned:

Yes/No

Whether Reportable:

Yes/No