

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-21336 of 2020(O&M)

Date of Decision: 13.08.2020

Jaswinder Singh @ Sonu

Petitioner.

Versus

Sate of Punjab

Respondent

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr Surmeet Singh Sandhu, Advocate
for the petitioner.

Mr. S.S.Deol, DAG., Punjab.

LISA GILL, J.

This matter is being taken up for hearing through video conferencing due to outbreak of the pandemic, COVID-19.

Petitioner, seeks the concession of bail pending trial in FIR No.-46, dated 19.04.2020, under Section 316 IPC, registered at Police Station Talwandi Chaudrian, District Kapurthala.

It is submitted that the petitioner has been falsely implicated in this case by the complainant party only with a view to escape penal action for the injuries which were caused to the petitioner by them. It is submitted that in-fact, it is the petitioner, who was injured on 19.04.2020 at the hands of the complainant's husband. The petitioner was admitted to the hospital at 8.40.a.m., as is apparent from the MLR dated 19.04.2020. Copy of the same was duly placed on the record of the bail application before the learned Additional Sessions Judge, Kapurthala. A photocopy of the same has been circulated in the whatsapp group created for the purpose of video conference today. It is further contended that the petitioner had nothing to do with the complainant's loss of

child. It was a case of still birth and while referring to Histopathology Report dated 09.06.2020 (Annexure P-7), learned counsel submits, that the foetus suffered a problem of the lung which is observed in the report, to be as under:-

“ Lung: Section from right lung show insufficient alveolar expansion along with congestion and autolytic changes at places.”

Learned counsel for the petitioner further refers to the supplementary histopathology report dated 09.06.2020 (Annexure P-8) and submits that still birth of the child was due to the abovesaid problem and the petitioner had no role to play in the unfortunate incident. The complainant, it is further contended was not even present at the time of the occurrence and it is a mere coincidence that she developed a problem on the afternoon of the same day. Reports (Annexure P-7 and P-8), form a part of the challan. The complainant side, it is submitted has falsely raised allegations against the petitioner in order to create a defence. Learned counsel further submits that challan stands presented and the petitioner is not involved in any other criminal case. It is thus prayed that this petition be allowed.

Heard learned counsel for the parties.

Learned counsel for the respondent-State, on instructions from SI Gurmeet Singh, verifies that the final report under Section 173 Cr.P.C., stands presented and the petitioner is not involved in any other criminal case. Due to the outbreak of the pandemic-COVID-19, not much progress is being made in the trial.

There are no allegations on behalf of the State that the petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts in Court, if released on bail. No useful purpose would be served by keeping

the petitioner incarcerated any longer in the facts and circumstances of this case.

Keeping in view the facts and circumstances as above but without commenting upon or expressing any opinion on the merits of the case, this petition filed by petitioner-Jaswinder Singh @ Sonu, is allowed. The petitioner be released on bail pending trial subject to his furnishing requisite bail bonds and surety to the satisfaction of the learned Trial Court/Duty Magistrate.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

13.08.2020
s.khan

[LISA GILL]
Judge

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