

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

204

CRM-M-21504-2020 (O&M)
Date of decision: 13.08.2020

Subeg Singh

....Petitioner

versus

State of Punjab

....Respondent

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. Vipin Mahajan, Advocate
for the petitioner.

Ms. Bhavna Gupta, DAG, 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-Subeg Singh, stated to be aged 35 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.96 dated 11.05.2020, registered under Sections 306 & 34 of Indian Penal Code, at Police Station Ajnala, District Amritsar Rural (Punjab).

Learned counsel for the petitioner, based on the pleadings, submits that the petitioner was married to the deceased for about ten years. Two daughters were born out of the wedlock, who are stated to be aged 09 & 06 years. On merit, he submits that there was no suicide note which was left by the deceased. He then submits that Monika was married to one Hira

Singh on 16.08.2014 and they are happily married and also blessed with two sons. It is further submitted that mother-in-law of Monika and mother of the petitioner are real sisters.

On instructions from SI Ramandeep Kaur, learned counsel for the State ably submits that in fact, there is a possibility as per customs in family of the petitioner that with such kind of relations they can marry each other. She further submits that mother-in-law of the petitioner has been granted regular bail by this Court vide order dated 07.08.2020, passed in CRM-M-19553-2020 and therefore the petitioner cannot take plea that he be granted bail to take his minor girls. On asking of the Court, she further informs that charges have been framed on 10.08.2020 and there are total of 21 witnesses, out of which, none have been examined till date.

Faced with the situation, learned counsel for the petitioner submits that the petitioner is an Army Officer and in order to comply with the directions and also to secure source of livelihood in the family to join services, the petitioner may be granted concession of regular bail. He 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,.

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 bail/surety bonds, 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.2.5 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 the Court.

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

13.08.2020

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Whether speaking/ reasoned:

Yes/No

Whether Reportable:

Yes/No