

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

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**CRM-M No.21886 of 2020 (O&M)
Date of decision:25.09.2020**

Raja Singh and another

... Petitioners

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Sukhdeep Singh Sidhu, Advocate for the petitioners.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. Naveen Sharma, Advocate for the complainant.

SUVIR SEHGAL J. (ORAL)

The Court has been convened through video conferencing due to Covid-19 pandemic.

Status report by way of affidavit of Deputy Superintendent of Police (Rural), Bathinda, dated 24.09.2020 has been filed in compliance of the order dated 14.08.2020. Same is taken on record. Copy has been supplied to counsel for the petitioners.

Present petition has been filed under Section 439 of Cr.P.C. for grant of regular bail in case FIR No.112, dated 20.06.2019 registered

under Sections 306/34 of IPC (later on added Section 304-B of IPC), at Police Station Sangat, District Bathinda.

Counsel for the petitioners has submitted that the petitioners are the parents-in-law of the deceased and the present FIR was registered against them by the father of their daughter-in-law. According to the counsel, the petitioners had surrendered before the police on the date of registration of the FIR. An application was moved by the Gram Panchayat of village Faridkot Kotli, District Bathinda regarding the innocence of the petitioners, which was inquired into by the DSP and petitioners were found to be innocent. Counsel for the petitioners has referred to the challan, Annexure P-2, filed by the investigating agency to fortify this fact. He further submits that even a perusal of the status report filed by the Deputy Superintendent of Police (Rural), District Bathinda, before this Court, supports his assertion. However, an application filed for their discharge was rejected by the trial Court vide order dated 02.11.2019, Annexure P-3. His submission is that the petitioners are behind bars since June, 2019 and as the trial is likely to take time to conclude in view of the outbreak of corona virus pandemic, the petitioners deserve to be enlarged on bail.

Per contra, State counsel assisted by counsel for the complainant has submitted that the petitioners have been charged under Section 306 read with Section 34 IPC or in the alternative under Section 304-B IPC read with Section 34 IPC and are facing trial. However, State counsel could not dispute the fact that it has been recorded in the final

report filed under Section 173 Cr.P.C. that there is no evidence to establish the involvement of the petitioners in the crime.

I have considered the rival submissions of the parties.

In the above scenario, the complicity of the petitioners in the death of their daughter-in-law is debatable.

Keeping in view the period of incarceration of the petitioners, the fact that petitioners have been found innocent after investigation and also that the trial is likely to take time due to the spread of contagion, no useful purpose would be served by keeping the petitioners in further detention. Without commenting anything on the merits of the case, the petition is allowed and the petitioners are ordered to be released on regular bail on their furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate.

25.09.2020

pooja saini

**(SUVIR SEHGAL)
JUDGE**

Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No