

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

**CRM M-22315 of 2020 (O&M)
Date of Decision: August 13, 2020**

Attar SinghPetitioner
Versus
State of Haryana Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. Gagandeep Rana, Advocate
for the petitioner.

Mr. Baljinder Virk, DAG, Haryana.

FATEH DEEP SINGH, J. (Oral)

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

Petitioner Attar Singh has come in this second regular bail application moved under Section 439 Cr.P.C., in FIR No. 81 dated 19.05.2019 under Sections 498-A, 304-B, 306 and 120-B of IPC, Police Station Sector 6, Dharuhera, the first one having been dismissed on 20.12.2019, at that stage.

The allegations in brief are that the deceased Reena and Rinku entered into a wedlock on 17.02.2019. it is alleged that sufficient articles were given in the marriage, however, the

accused were not happy with the same. It is claimed that they had given Tata Tiago car at the wedding but the accused demanded Hundai I-20 car, to which, the complainant side has shown their inability. It is alleged that while the husband was away on his army duty in a forward place on 19.05.2019, the deceased consumed celphos at her parental house and died as a consequence of the same.

Mr. Gagandeep Rana learned counsel for the petitioner *inter alia* contends that the petitioner is an aged father-in-law, who is in custody for more than 01 year and 03 months and there is no specific allegations against him in the commission of the offence. The counsel has brought to the notice Court the discharge slip of the petitioner showing that the petitioner was admitted in hospital from 13.05.2019 to 18.05.2019 and sought to place reliance on Annexure P-4 submitting that petitioner is a senior citizen and the trial is not likely to be completed in near future.

Mr. Baljinder Virk, DAG, Haryana, the learned State counsel though does not displace the facts brought to the notice of the Court but has opposed the bail on the grounds of being a dowry death and, therefore, the seriousness of the allegations do not call for grant of the bail.

No doubt, the deceased had died within almost 01 month of her marriage at her parental home by consuming

piousness substance. The husband at the time of the alleged occurrence is stated to be posted in a remote area due to exigencies of army duty. The counsel for the petitioner has placed heavy reliance on the Whatsapp calls print outs to hammer home the point that the couple were not at loggerheads over any issue and in fact it was a mental state of the deceased to commit suicide. More so, in view of the period of incarceration of the petitioner, who is senior citizen and the fact of his plea of *alibi* of ill health and admission in hospital over treatment together with the fact that due to Pandemic COVID 19 situation, the trial is not likely to be accomplished in near future and in the light of the same, the present petition is allowed. Accordingly, the petitioner is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, concerned.

However, it is made clear that anything observed herein shall not be construed as an expression on the merits of the case.

Disposed off.

August 13, 2020
amit rana

(FATEH DEEP SINGH)
JUDGE

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