

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

210

CRM-M-22684 of 2020
Date of Decision: 19.08.2020

Vicky

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Ravi Malhotra, Advocate,
for the petitioner.

Mr. Manreet Singh Nagra, AAG, Punjab.

AMOL RATTAN SINGH, J. (ORAL)

All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the COVID-19 pandemic.

Learned counsel for the petitioner submits that the complainant turned hostile at least on some material points, when she testified before the trial court, inasmuch as she changed her story as to from where her daughter had gone missing, with her earlier having stated that she went missing from her parental home and thereafter she testified that she had gone from her matrimonial home.

She further submits that the implication, as per the testimony, would also be qua the husband and in-laws of her daughter.

He next submits that the petitioner has been in custody since June 2018, with an application under Section 319 of the Cr.P.C. having now been filed, which is not coming up for actual hearing due to the COVID-19 pandemic, and if

that application is allowed, naturally, the trial would virtually start *denovo*.

Upon query to learned State counsel as regards the above, he does not deny the period of custody, or the fact that an application under Section 319 of the Cr.P.C. has been moved, but submits that the crime committed being obviously a heinous one, the petitioner should not be admitted to bail.

Having considered the matter, without making any comment on the merits of the case at all, simply looking at the period of custody and the fact that the complainant has been declared to be hostile at least on some points, and that even the application under Section 319 of the Cr.P.C. is not being decided presently, consequently, the petitioner is ordered to be admitted to interim bail to the satisfaction of the trial court/CJM/Duty Magistrate concerned, during the period of the pandemic, with this petition accordingly disposed of.

The learned trial court/CJM/Duty Magistrate concerned would ensure that the bail and the surety bonds to be furnished are of an adequate amount to try and ensure that the petitioner does not abscond.

Naturally, since only interim bail is being granted with this petition being disposed of, the State would obviously be at liberty to file an appropriate application upon the trial actually re-commencing after the pandemic is over (or if it re-commences prior to that date).

August 19, 2020
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No