

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

CRM-M-23274 of 2020 (O&M)
Decided on:- September 18, 2020.

Dinesh Kumar @ Goldy.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Sandeep Singh Jattan, Advocate
for the petitioner.

Ms. Gaganpreet Kaur, A.A.G., Haryana.

HARI PAL VERMA, J. (Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

CRM-22191-2020

The copy of statement (Annexure P-3) of complainant Ronki Lal recorded before the trial Court as PW3 is taken on record subject to all just exceptions.

CRM stands disposed of.

CRM-M-23274-2020

This is the second petition filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in FIR No.85 dated 08.05.2018 under Section 306 IPC registered at Police Station Mullana, District Ambala.

The earlier petition i.e. *CRM-M-40907 of 2018* titled as *Dinesh Kumar @ Goldi Versus State of Haryana* filed by petitioner for the same relief was dismissed as withdrawn vide order dated 30.05.2019 passed by this Court.

Learned counsel for the petitioner submits that the marriage between the petitioner and Anjana (since deceased) was solemnised in the year 2012. It being a love marriage, the parents of deceased Anjana did not accept that marriage. The petitioner is in custody since 08.05.2018 and the statements of all the prosecution witnesses have been recorded before the trial Court. Though the statement of petitioner under Section 313 Cr.PC has also been recorded, but some defence witnesses are to be examined in the case and in view of prevailing COVID-19 pandemic, there is a remote possibility to examine the defence witnesses in near future.

He further submits that the petitioner has falsely been implicated in the present case. The allegation that the petitioner is maintaining illicit relations with some lady is without any evidence. There is no evidence on record to prove this allegation.

Learned State counsel does not dispute the custody and submits that the petitioner is husband of deceased Anjana, who set herself ablaze along with her minor son aged about 3 years.

I have heard learned counsel for the parties.

The petitioner is in custody since 08.05.2018. No such evidence has come on record to establish the fact that the petitioner is maintaining illicit relations with some lady. The complainant has been examined before the trial Court and as such, there is no possibility that the petitioner can

influence the complainant. No doubt, statement of the petitioner has been recorded under Section 313 Cr.PC, but the defence witnesses are yet to be examined in the case. While dismissing the bail application of the petitioner, though the trial Court has observed in the order dated 07.07.2020 that the trial is at fag end which is likely to be concluded very soon, but in view of COVID-19 pandemic, the Courts have not been able to assume regular working. Therefore, considering the fact that the petitioner is in custody for a long time i.e. since 08.05.2018, this Court finds that no useful purpose would be served by detaining the petitioner in further custody.

Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing adequate bail and surety bonds to the satisfaction of learned trial Court/Duty Magistrate.

The observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and the trial Court shall decide the case without being influenced with these observations in any manner.

September 18, 2020
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No