

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

CRM-M-22905-2019

Date of Decision:25.08.2020

Gurjit Singh

.....Petitioner

Vs.

State of Punjab

....Respondent

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present: Mr. L.S.Sidhu, Advocate,
for the petitioner.

Mr.R.S.Thind, DAG, Punjab.

Mr.K.S.Brar, Advocate
for the complainant.

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.

By this petition, the petitioner seeks the concession of 'regular bail' under the provisions of Section 439 Cr.P.C., upon FIR No.21, dated 27.01.2019, having been registered at Police Station Dharamkot, District Moga, alleging therein the commission of an offence punishable under Section 306 of the IPC.

Learned counsel for the petitioner submits that the petitioner has been in custody since February 14, 2019, i.e. for more than 1 ½ years now, with the trial nowhere near conclusion and in fact an application under the provisions of Section 319 of the Cr.P.C. having been filed before the trial court in March, 2020, to support which he has sent to the Reader of this court by way

of a “Whatsapp” communication, the *zimni* orders stated to have been passed by the trial court including the one dated March 17, 2020, stating to the effect that the aforesaid application had been filed.

Thereafter, the matter had been adjourned from time to time due to the Covid-19 pandemic.

He further submits that out of the total 15 prosecution witnesses, only one prosecution witness, i.e. the complainant, has been examined so far, with obviously the trial to start virtually *de novo* if the application under Section 319 Cr.P.C. is allowed.

Though learned counsel for the complainant and learned State counsel both oppose the grant of bail to the petitioner on the ground that he is the prime accused being the husband of the deceased who committed suicide due to an alleged demand of dowry, in my opinion, keeping in view the custody of the petitioner and the stage of the trial, as could not be denied by both learned counsel for the complainant as also the State, the petitioner cannot be denied to be admitted to bail at this stage.

Consequently, without making any comment on the actual merits of the case, the petition is allowed and the petitioner is ordered to be admitted to bail, upon him furnishing adequate bail and surety bonds to the satisfaction of the trial court/CJM/Duty Magistrate, concerned.

August 25, 2020

dharamvir/

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned : YES
Whether Reportable : NO