

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

219 - CRM-M-25302-2020 (O&M)

Date of Decision: 03.09.2020

Mehma Singh

... Petitioner

VS.

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE GIRISH AGNIHOTRI

Present: Mr. Aman Pal, Advocate for the petitioner

Mr. Rajiv Goel, DAG Haryana

Mr. SS Majithia, Advocate for the complainant

GIRISH AGNIHOTRI, J. (Oral)

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

The petitioner Mehma Singh who is stated to be aged 65 years has filed the present petition *inter alia* with a prayer for grant of regular bail in case FIR No.493 dated 28.12.2019 under Sections 302/304-B IPC, registered at PS Ladwa, District Kurukshetra.

Learned counsel for the petitioner has referred to the FIR and the pleadings in the petition. It is submitted that there were 5 persons named in the FIR, however, on 25.07.2020, the challan has been presented against 3 persons. It is submitted that the petitioner is the father-in-law of the deceased. It is also submitted that there are no specific allegations made against the petitioner. The petitioner being senior citizen and is suffering from various illnesses.

Learned State counsel, on instructions from SI Mool Chand, submits that the challan was presented on 03.04.2020. There are a total of 17 witnesses and none have been examined till date. Charges are yet to be

framed.

Learned counsel for the complainant submits that he has supplied recording of the calls dated 28.12.2019 between the petitioner and the complainant, however, till date the same has not been taken cognizance of by the police. He submits that in fact a perusal of the disclosure statement would show that the husband of the deceased used to give beatings. Therefore, he opposes the bail on merits.

Counsel for the petitioner then submits that due to COVID situation retention of the petitioner in jail is dangerous to his life and otherwise also the trial is likely to take some time.

In view of the peculiar facts as noticed above, considering the existing situation due to COVID-19 and the fact that trial is likely to take some time, this Court deems it appropriate to direct the release of the petitioner on regular bail subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the Duty Magistrate/trial court concerned.

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

Disposed of.

03.09.2020

vishal shonkar

1. *Whether speaking/reasoned?*

2. *Whether reportable?*

(Girish Agnihotri)
Judge

Yes/No

Yes/No