

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

108

CRM-M-25709-2020(O&M)

Date of Decision:09.11.2020

Jaspreet Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

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

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

Mr. Amit Mehta, Sr. D.A.G., Punjab.

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

HARI PAL VERMA, J.(Oral)

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

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in FIR No.83 dated 14.06.2017 under Sections 304-B/34 IPC (later on charges were framed under Sections 304-B, 302 IPC), registered at Police Station Sadar Sri Muktsar Sahib, District Sri Muktsar Sahib.

Learned counsel for the petitioner submits that the short reply by way of affidavit of Harvinder Singh Cheema, PPS, Deputy Superintendent of Police, Sub Division, Sri Muktsar Sahib filed on behalf of the respondent-State, in compliance of the order dated 10.09.2020 passed by this Court, is virtually an investigation after the submission of challan. He

Sri Muktsar Sahib as well as the medical note attached with the challan of Aashirwad Hospital, Bathinda Road, Sri Muktsar Sahib, to contend that there is no reference as to who brought the deceased to the hospital. The marriage of the petitioner was solemnized with the deceased on 05.12.2014 and the deceased had died on 14.06.2017 leaving behind a 14 months old girl child, who remained with the parents of the petitioner, but it is on account of some custody case, the girl child is now with the complainant. He further submits that as against total 31 witnesses cited by the prosecution, 07 witnesses have been examined in the case. Petitioner is in custody since 16.06.2017 and on account of COVID-19 pandemic, the situation has further worsened and there is no possibility of conclusion of trial in the near future.

Learned counsel appearing on behalf of the complainant submits that the earlier petitions filed by the petitioner were dismissed on 13.07.2018 and 25.11.2019 and there is no fresh ground for the petitioner to approach this Court for the grant of regular bail by way of 3rd petition.

Learned State Counsel does not dispute the custody period of the petitioner and the fact that as against total 31 witnesses cited by the prosecution, 07 witnesses have been examined in the case and 02 witnesses have been given up.

Heard learned counsel for the parties.

Petitioner is in custody since 16.06.2017. As against total 31 witnesses cited by the prosecution, only 07 witnesses have been examined, though 02 witnesses have been given up. In this manner, trial is not likely to be concluded in the near future. Moreover, COVID-19 pandemic has further aggravated the pendency of such trial. The argument so put forth by

learned counsel for the petitioner that it is the petitioner, who brought the deceased to the Usha Bansal Nursing Home, Kotkapura Road, Sri Muktsar Sahib and subsequently to Aashirwad Hospital, Bathinda Road, Sri Muktsar Sahib and Delhi Heart Hospital, Bathinda, has been disputed by learned counsel for the complainant, whereas learned counsel for the petitioner has produced on record statement of PW7-Dr. Ajesh Bansal, who has stated in his cross-examination that name of the patient and her husband was disclosed by the petitioner when the deceased was admitted in the Delhi Heart Hospital at Bathinda.

Be that as it may, without going into the details of the fact that who brought the deceased to the hospital, but considering the fact that the petitioner is in custody since 16.06.2017 and trial is not likely to be concluded in the near future as against total 31 witnesses cited by the prosecution, only 07 witnesses have been examined so far, this Court deems it appropriate to admit the petitioner on regular bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

However, it is made clear that the observations made hereinabove shall not be construed as an expression on the merits of the case and trial Court shall proceed with the trial independently without being influenced by the order of bail passed by this Court.

November 09, 2020
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No