

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

205

CRM-M-30286-2020 (O&M)

Date of decision: 05.10.2020

Dharminder K. Jain

.....Petitioner

versus

State of Himachal Pradesh and Anr.

....Respondents

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. N.K. Verma, Advocate, for the petitioner.

Mr. P.S. Walia, Asstt. A.G., Punjab.

GIRISH AGNIHOTRI, J. (Oral)

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

Petitioner-Dharminder K. Jain, stated to be aged 52 years, has filed the present petition *inter alia* praying for grant of regular bail in case FIR No.209 dated 07.08.2006, under Sections 498-A IPC, registered at Police Station Sadar, District Solan (H.P.).

Learned counsel for the petitioner submits that vide order dated 30.01.2013, it was ordered by the Court of Judicial Magistrate First Class, Ludhiana, that prosecution has proved its case and the petitioner was held guilty *inter alia* under Section 323 IPC etc. Thereafter, vide order dated 07.05.2014, the Court of Additional Sessions Judge, Ludhiana, upheld the order of the trial Court, whereby the petitioner was not convicted under Section 498-A IPC. Learned counsel for the petitioner then makes reference to order dated 10.07.2014, whereby this Court ordered the release of the

petitioner on probation. He submits that, however, vide order dated 31.01.2017, passed in the Revision Petition filed by Manju Aggarwal, the matter was remanded back to the Appellate Court for consideration of offence under Section 498A IPC. Learned counsel further submits that the petitioner was not in the knowledge of the date fixed before the Appellate Court and in these circumstances, he could not appear before the Appellate Court. The petitioner was ultimately arrested on 26.12.2019.

Learned State counsel submits that the trial is going on at Ludhiana, however, the Investigating Officer is from Himachal Pradesh.

Faced with the situation, learned counsel for the petitioner submits that due to the present COVID-19 situation and also the fact that trial is likely to take some time, detention of the petitioner in jail is dangerous to his life. Therefore, petitioner is entitled for regular bail.

In view of the peculiar facts as noticed above, considering the existing situation due to COVID and the fact that trial is likely to take time, this Court deems it appropriate to release the petitioner on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned, subject to his furnishing bail bonds/surety bonds. However, it is made clear that anything observed herein shall not be construed as an expression on merits of the case.

The petition stands disposed of accordingly.

(GIRISH AGNIHOTRI)
JUDGE

05.10.2020/jyoti3

<i>Whether speaking/ reasoned:</i>	<i>Yes/No</i>
Whether Reportable:	Yes/No