

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

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**CRM-M-30056-2020 (O&M)
Date of decision: 05.10.2020**

Rishu Kumar Loomba**.....Petitioner**

versus

State of Punjab**....Respondent****CORAM: Hon'ble Mr. Justice Girish Agnihotri**

Present: Mr. Hitesh 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-Rishu Kumar Loomba, stated to be aged 25 years, has filed the present petition *inter alia* praying for grant of regular bail in case FIR No.122 dated 09.12.2019, under Section 304-B IPC, registered at Police Station Sadar, Moga.

Learned counsel for the petitioner, at the outset, submits that in *CRM-M-13721-2020* decided on 13.07.2020 titled as '*Tarsem Lal Loomba Vs. State of Punjab*', the father of the petitioner-Tarsem Lal Loomba, has been granted regular bail. Learned counsel submits that in fact the marriage of the petitioner was solemnized on 18.04.2018. He then submits that it was a simple marriage and no dowry was demanded. Learned counsel further submits that a male child (who is minor) was born out of this wedlock.

Learned counsel, however, submits that the petitioner was arrested on 09.12.2019.

Learned State counsel, on instructions from ASI Buta Singh, submits that the investigation is complete and challan in this case was presented on 05.03.2020. There are total of 15 witnesses but none has been examined till date. Charges are yet to be framed and the next date before the trial Court is 05.11.2020.

Faced with the situation, learned counsel for the petitioner submits that he has instructions from the petitioner and his relatives that they would transfer the immovable property worth Rs. 5 lacs (in the name of the minor child of the petitioner) within two months from the date of his release. He submits that they would also give an undertaking that they would neither sale the said property nor create any incumbrance on the same, till further orders of the trial Court. The income from the said property shall be utilised only for the benefit of minor child.

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.

In addition to the bail/surety bonds, in pursuance to the offer made by counsel for the petitioner, the petitioner would transfer the

immovable property worth Rs. 5 lacs (in the name of the minor child) within two months from the date of his release with an undertaking that they would neither sell the said property nor create any incumbrance on the same, till further orders of the trial Court. The income from the said property shall be utilised only for the benefit of minor. The same shall be without prejudice to defence of the petitioner before the trial Court.

The petition stands disposed of accordingly.

(GIRISH AGNIHOTRI)
JUDGE

05.10.2020

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Whether speaking/ reasoned:	Yes/No
Whether Reportable:	Yes/No