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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-28918-2019

Date of Decision: 01.12.2020

HARMINDER SINGH

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Prashant Vashisth, Advocate
for the petitioner.

Mr. Amar Ashok Pathak, Addl. A.G., Punjab

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video conferencing.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.285 dated 18.09.2017, registered under Section 306 IPC at Police Station Sidhwan Bet, Ludhiana.

The petitioner seeks regular bail in his third attempt. The petitioner remained unsuccessful in CRM-M-9408-2018 and CRM-M-32378-2018. FIR was registered by Kewal Singh father of the deceased Balvir Kaur. Balvir Kaur was married to the petitioner 15 years ago.

Learned counsel for the petitioner submitted that Balvir Kaur was mentally disturbed and was taken to Doctor. She was having suicidal tendencies. On 17.09.2017 also, Balvir Kaur was taken to the Doctor for getting medicine. Daughter Harleen Kaur also accompanied her. Further prosecution story is that when they were returning after getting medicine, the petitioner stopped his motorcycle at a kanal and started saying that Balvir Kaur should leave us by jumping into the kanal. Balvir Kaur jumped into the kanal and ultimately died. Learned counsel for the petitioner further submitted that vide order dated 26.08.2020, Harleen Kaur was directed to be examined at the first available opportunity. Now Harleen Kaur has been examined and her statement shall be subject to judicial scrutiny by the trial Court. Petitioner is in custody since 20.09.2017 i.e. more than three years. Trial is going on at very snail's pace, due to Covid-19.

Per contra learned State counsel on instructions from ASI Dalwinder Singh submits that the daughter of the petitioner has supported the case of the prosecution. The deceased jumped into kanal only at the instance of the petitioner. Out of 12 prosecution witnesses, 3 witnesses have been examined.

Having considered the arguments at this stage and without mentioning anything on the merits of the case, I find that

the petitioner is in custody since more than three years. The trial may take some time in its culmination. The complicity of the petitioner in terms of offence under Section 306 IPC shall be subject to judicial scrutiny of the material by the trial Court.

In view of the situation arising out of Covid 19, the health status of the petitioner and the custody of the petitioner till date, I deem it appropriate to enlarge the petitioner on regular bail.

In view of above, petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

December 01, 2020
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(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No