

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

CRM-M-34690 of 2020

Date of Decision: 05.11.2020

KEWAL KRISHAN

.....Petitioner

V/s.

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Jasraj Singh, Advocate,
for the petitioner.

Mr. B.S. Sewak, Additional Advocate General, Punjab.

HARINDER SINGH SIDHU, J.

The case has been taken up through video conferencing on account of Covid-2019 pandemic.

Prayer is for grant of regular bail in case FIR No.05, dated 15.01.2019 registered under Sections 302, 34 of the Indian Penal Code, 1860 at Police Station Bullowal, District Hoshiarpur, Punjab.

The FIR in the present case was registered on the statement of complainant Mintu, who is father of the deceased-Nisha. He stated that his daughter Nisha, aged about 25 years, was married to Deepak Bhatti son of the petitioner-Kewal Krishan, resident of Allowal, District Hoshiarpur and is residing in their house for the last 9 years. Out of the said wedlock, 2 children were born i.e. one daughter who is 8 years of age and one son who is 5 years of age. It was further alleged that the son-in-law, Deepak Bhatti, had been harassing and giving beatings to his daughter since long. The day before the alleged incident, the daughter of the complainant had complained to him that her husband would kill her and asked the complainant to come soon to meet her. The complainant alongwith his brother namely Rahul reached the house of the petitioner i.e. Village Allowal at about 11.30 a.m. and found Nisha screaming in a

room constructed at first floor of the house. When they went to the said room they found that Deepak Bhatti was strangulating the neck of Nisha with the help of a sky blue cloth while the petitioner was holding her legs with full force. By watching this incident, the complainant and his brother made *raula* due to which Deepak Bhatti and the petitioner ran down in their room at ground floor. After that, the complainant entered the room and found that the neck of Nisha was strangulated with sky blue color cloth due to which she died. It was further alleged that the Deepak Bhatti and the petitioner were responsible for causing death of his daughter, Nisha.

Learned counsel for the petitioner has vehemently argued that petitioner, who is 50 years of age, has been falsely implicated in this case on the basis of adduced evidence which is materially discrepant/deficient. He has further stated that the presence of the complainant during the occurrence is doubtful as his call detail record would indicate that at the relevant time he was in Ludhiana whereas the occurrence took place in Village Allowal, District Hoshiarpur. Moreover, the petitioner is residing at Village Hussainpur Guru ka, District Hoshiarpur.

Learned counsel for the petitioner contends that the petitioner is in custody since 16.01.2019 (approximately 01 years 09 months and 19 days). The trial has not progressed and as of now, not even a single witness has been examined. He further stated that the complainant is responsible for the delay in the trial as he did not appear on four occasion and non-bailable warrants against him and his brother had been issued to procure their presence.

Learned counsel for the petitioner has stated that the petitioner would not misuse the concession of bail and further submits that the petitioner is ready to furnish heavy surety to ensure his presence

at the time of trial. In view thereof, considering the fact that the petitioner is in custody for almost 1 year 09 months and 19 days and that the trial of the case may take sufficient long time for its conclusion in view of the prevalent pandemic Covid-19, no useful purpose would be served by keeping the petitioner behind the bars. Accordingly, the instant petition for regular bail is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bond to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, Ludhiana.

November 5, 2020

Ess Kay

**[HARINDER SINGH SIDHU]
JUDGE**

Whether speaking / reasoned : Yes / No

Whether Reportable : Yes / No