

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM No. M-38616 of 2020 (O&M)
Date of decision : December 17, 2020

Banty

....Petitioner

versus

State of UT Chandigarh

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. HPS Sandhu, Advocate, for the petitioner
Mr. Rajiv Anand, APP, UT Chandigarh

Fateh Deep Singh, J. (Oral)

The matter has been taken up through Video-conferencing on account of outbreak of pandemic COVID-19.

Petitioner Banty who is in judicial custody since two years and two months has come up in this second regular bail application under Section 439 Cr.P.C. in case FIR No. 348 dated 30.9.2018, under Sections 304-B, 34 IPC (Sections 302, 120-B IPC added later on), Police Station Sector 36, Chandigarh (the earlier one having been dismissed as not pressed on 21.2.2019).

The prosecution allegations are that the deceased Manjeet alias Manju was married on 16.11.2011 with co-accused Vijay Kumar elder brother of the petitioner. It is during the course of matrimony, on 29.9.2018 the deceased committed suicide by means of hanging. Complainant Bablu happens to be the brother of the deceased and had attributed this death to the accused family for continuously harassing and ill-treating his sister for demand of motorcycle/car on different occasions.

Learned counsel for the petitioner inter-alia contends that the petitioner is young unmarried brother-in-law of the deceased and there is no specific role attributed to him in the commission of the offence and more so he is not likely to get any benefit out of such demand.

The learned State counsel has placed on record copy of the post mortem and has strongly opposed the bail on the grounds of heinousness of the offence though concedes that the allegations are general in nature.

Going through the submissions, admittedly, the petitioner has already undergone incarceration of more than two years and two months. Being a young unmarried brother-in-law of the deceased and in the absence of any specific role attributed to him in

the commission of the offence together with the fact that at such an age he is not likely to benefit out of any such claimed demands from the complainant. The trial is not likely to be accomplished in the near future on account of COVID-19 pandemic situation. In view of these circumstances, this Court feels it expedient to allow the present bail application. Accordingly, the petitioner is ordered to be released on regular bail to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, concerned.

The present petition stands disposed off accordingly.

The observations made herein above shall have no bearing on the merits of the case as these are purely for the disposal of the present bail application.

December 17, 2018

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**(Fateh Deep Singh)
Judge**

Whether speaking/reasoned ?

Yes/No

Whether Reportable ?

Yes/No