

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

CRM-M-44469 of 2019

DATE OF DECISION : 14.10.2020

Sukhdev Singh @ Debu

...Petitioner

Versus

State of Punjab

...Petitioner

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Vaibhav Narang, Advocate,
for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab.

(Presence marked through video conference).

ARUN MONGA, J. (ORAL)

Petitioner is seeking grant of regular bail in FIR No.52 dated 12.03.2019 under Section 306/34 IPC (Subsequently Section 34 IPC deleted. Charges framed under Section 304-B IPC and alternative Section 302 IPC) registered at Police Station Lopoke, District Amritsar.

2. As per FIR allegations, marriage of petitioner was solemnized in a simple manner. Out of said wedlock, three children were born. The family of the petitioner used to harass the deceased on account of bringing less dowry, due to which she committed suicide on 12.03.2019.

3. Learned counsel for the petitioner contends that petitioner has been falsely implicated. No demand of dowry was ever made by accused/petitioner or his family. Even the marriage was admittedly performed in simple manner. He further contends that investigation is complete. Challan has been presented. The petitioner is in custody since 01.04.2019. There is no headway in the trial due to Covid-19 pandemic.

4. Learned State counsel, on the other hand, opposes the bail plea.

He argues that the deceased committed suicide within 06 years of the marriage.

5. On a query of the Court, learned State counsel does not controvert that investigation in the case is complete. Challan has already been filed. The trial is held up after recording of evidence of three prosecution witnesses including the complainant, due to current pandemic conditions.

6. Having heard learned counsel for the petitioner as also learned State counsel, this Court is of the opinion that no useful purpose would be served by keeping the petitioner in further preventive custody since investigation in the case is complete and challan has been presented. It is admitted case that petitioner has three children i.e two daughters and one son. The petitioner being in custody, there is no one to look after the minor children who are exposed to the probability of being infected with the Covid-19 virus. It has been medically proven that children of that age are more susceptible to get infected due to their lower level of immunity and therefore, they need 24x7 constant care and attention.

6. As regards allegations qua the petitioner, the same can only be adjudicated in the course of trial. Admittedly the trial is not likely to commence or conclude any time soon due to Covid-19 pandemic. Courts are currently working in restricted manner and only taking up urgent matters and evidence matters are not being taken up.

7. In the premise, the instant petition is allowed. Petitioner is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, as the case may be.

OCTOBER 14, 2020
shalini

(ARUN MONGA)
JUDGE

Whether speaking/reasoned :
Whether reportable :

Yes/No
Yes/No