

215-2

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-4987-2021

Date of Decision: 09.02.2021.

POOJA AND OTHERS

.....Petitioners

V/s.

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL.

(Through Video Conferencing)

Present: Mr. Sarbjit Singh, Advocate,
for the petitioners.

Mr. Sidakmeet Singh Sandhu, AAG, Punjab.

MANJARI NEHRU KAUL, J. (Oral)

This is the first petition filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioners in case FIR No.246, dated 07.12.2020, registered under Section 306 of the Indian Penal Code, 1860 at Police Station Chheharta, District Amritsar, Punjab.

Learned counsel for the petitioners contends that petitioners are respectable ladies who are innocent and have been falsely implicated in the FIR in question. It has further been submitted that the deceased Head Constable-Gurnam Singh in fact had forcibly entered the house of the petitioners on 05.12.2021 in an inebriated condition and tried to misbehave with them. The petitioners reported the matter to the nearest Police Post and as a result, the deceased was reprimanded by his senior Police Officials on 06.12.2020.

Learned counsel for the petitioners submits that a perusal of the FIR also reveals that the complainant had alleged that an altercation had taken place between the deceased and the petitioners and the matter was

reported to the Police Post and it had also been alleged that the brother-in-law of the complainant i.e. deceased-Gurnam Singh had died due to the beatings given by the accused party which was contrary to the case as later on set up by the prosecution that the deceased had committed suicide. It has therefore been submitted that the basic ingredients to attract the mischief of Section 306 of the IPC are clearly amiss in the case in hand. Thus, a prayer has been made to extend the concession of regular bail to the petitioners.

Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioners, on instructions from SI Bhupinder Singh, has apprised this Court that the charges are yet to be framed before the trial Court. It has further been submitted that the delay in conclusion of the trial has been on account of the outbreak of pandemic COVID-19.

Heard.

In view of the submissions made by learned counsel for the parties and the fact that petitioners No.1, 2 and 4 have been in custody since 08.12.2020 and petitioner No.3 has been in custody since 16.12.2020, I deem it a fit case for grant of the concession of regular bail to the petitioner, as the trial is unlikely to conclude in the near future, more so, in the prevailing conditions due to the outbreak of COVID-19. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed as an expression of opinion on the merits of the case.

February 9, 2021

Ess Kay

**[MANJARI NEHRU KAUL]
JUDGE**

Whether speaking / reasoned : *Yes /No.*

Whether Reportable : *Yes/No*