

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-5304 of 2020 (O&M)

Date of Decision: 18.01.2021

Kulwinder Singh

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Deepinder Brar, Advocate
for the petitioner.

Mr. M.S. Nagra, AAG, Punjab.

Mr. P.S. Dhaliwal, Advocate
for the complainant.

HARI PAL VERMA, J. (Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

CRM-936-2021:

The application is allowed, as prayed. Medical certificate along with other documents is taken on record as Annexure P-3.

Criminal Misc. No.M-5304 of 2020:

Prayer in the present petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the

petitioner in case FIR No.41 dated 30.04.2018 under Sections 304-B/34 IPC registered at Police Station Kot Bhai, District Sri Muktsar Sahib.

Learned counsel for the petitioner has submitted that the petitioner is in custody since 05.05.2018 i.e. for a period of 2 years, 8 months and 11 days. He has submitted that as against the 23 witnesses cited by the prosecution, only 4 witnesses have been examined. He has argued that the deceased has died because of hanging. He has referred to the post-mortem report of the deceased attached as Annexure P-3 to contend that the cause of death of the deceased in the opinion of the doctor is asphyxia due to hanging which is sufficient to cause death in ordinary course of nature.

Learned State counsel does not dispute the custody of the petitioner.

Learned counsel for the complainant has opposed the bail application of the petitioner on the ground that the deceased has died in her matrimonial home.

I have heard learned counsel for the parties.

Considering the fact that the petitioner is in custody since 05.05.2018 and as against the 23 witnesses cited by the prosecution, only 4 witnesses including the complainant have been examined in the case and Covid-19 pandemic has further aggravated the speedy trial, I deem it appropriate to release the petitioner on regular bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to furnishing of his bail bonds/surety bonds to the satisfaction of trial Court.

However, it is made clear that the observations so made in this case shall not construe as an expression of any opinion on the merits of the case.

January 18, 2021 AK	(HARI PAL VERMA) JUDGE
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Whether speaking / reasoned?	Yes / No
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Whether reportable?	Yes / No
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