

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-10292 of 2021

DATE OF DECISION: APRIL 22, 2021

HARBHAJAN SINGH

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. RAVINDER BANGAR, ADVOCATE
FOR THE PETITIONER.

KANWAR SANJIV KUMAR, AAG, HARYANA.

MANOJ BAJAJ, J.(ORAL)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.173 dated 2.10.2020, under Section 302, 34 IPC (later on converted under Section 306, 34 IPC), Police Station Radaur, District Yamuna Nagar. The petitioner is in custody since his arrest on 9.10.2020.

The allegations contained in the FIR as noticed by the Addl.Sessions Judge (Exclusive Court for Heinous Crime against Women), Yamuna Nagar at Jagadhri, in the order dated 22.1.2021, are as under:-

“On 21.02.2020 the complainant Balwinder Singh son of Mehma Singh, made a complaint. It is averred that his daughter Mandeep Kaur was married with Harbhajan Singh in the year 1999 and he used to torture her. His daughter was having a son namely Navjot Singh who is living abroad. On 21.02.020 at about 10 AM he received an information that his daughter Mandeep Kaur died due to heart attack. When they reached there at the time of

cremation, it was found that there were signs of rope on the neck of his daughter and also bodily injuries on her body. On the basis of suspicion he objected the cremation and he has suspicion that his daughter was murdered by the accused persons. It was averred that 15 days back also when he attended the call of his daughter it seems that she was under fear. On this complaint, present FIR was lodged under Section 302, 34 of IPC. During investigation post mortem on the dead body of deceased was conducted. After receiving the report Section 302 of converted into Section 306 of IPC. After completion of final report under Section 173 Cr.P.C was submitted in Court.”

Learned counsel for the petitioner submits that initially the FIR was registered for the offence punishable under Section 302 IPC, but later on after completion of investigation, the final report was filed for offence punishable under Section 306 IPC. He further submits that charges have been framed and the co-accused of the petitioner, namely, Binder @ Balwinder Kaur has already been released on regular bail vide order dated 25.02.2021 passed by this Court in CRM-M-8098-2021, therefore, the petitioner also deserves the concession of regular bail.

Learned State counsel assisted by ASI Dilbagh Singh does not dispute the fact that the investigation is complete and co-accused of the petitioner is on regular bail. He also does not dispute that the charges also stand framed on 5.3.2021.

After hearing learned counsel for the parties and considering the above background, this Court finds that though the charges have been framed, but the trial is yet to commence. The co-accused of petitioner has

already been released on bail and the case of the petitioner is almost similar. Apart from it, the belligerent re-emergence of pandemic COVID-19 in the region has once again forced the State governments of Punjab, Haryana and U.T. Administration, Chandigarh to impose various restrictions to clamp down the contagion, and it would further delay the conclusion of trial. Admittedly, the petitioner is not involved in any other case of similar nature. Thus, the further detention of the petitioner behind the bars may not be necessary for any useful purpose, who is presently confined in judicial custody after his arrest on 9.10.2020.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

April 22, 2021
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No