

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(203)

CRM-M-19210 of 2021
Date of decision: 28.06.2021

Gurdev Ram and another

...Petitioners

Versus

State of Punjab

...Respondent

(Through video conferencing)

CORAM: *HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI*

Present: Ms. Sarika Gupta, Advocate for the petitioners.

Mr. Amit Mehta, Sr. DAG, Punjab.

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Harsimran Singh Sethi, J. (Oral)

This is a second petition filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioners in respect of FIR No.145 dated 14.10.2019 registered under Sections 307 & 328 IPC (Sections 302 and 34 IPC added later on) at Police Station Mahilpur, District Hoshiarpur.

Learned counsel for the petitioners argues that both the petitioners are senior citizens aged 73 and 72 years and only allegation in the FIR against them was that they forcibly entered the house, where the deceased alongwith her husband was living. Learned counsel for the petitioners submits that the said house belongs to petitioner No.1, the same had been occupied forcibly by the deceased and her husband. Learned counsel for the petitioners further submits that there is no allegation of administering any poison to the deceased by the petitioners as the said allegation is upon Amarjit Kaur w/o Jujhar Singh, who has already been

found innocent by the police and the co-accused Harpal Binder, i.e brother-in-law of the deceased. Learned counsel for the petitioner further submits that co-accused Amarjit Kaur w/o Harpal Binder has also been granted the benefit of regular bail by the Co-ordinate Bench of this Court vide order dated 08.04.2021 passed in CRM-M-42225 of 2020.

Learned State counsel submits that the petitioners had entered the house forcibly, where the deceased was residing with her husband but, concedes that the said house was in the name of petitioner No.1. Learned State counsel further concedes the facts that there is no allegation of administering poison upon the deceased by the petitioners and also that Amarjit Kaur w/o Harpal Binder, who was similarly situated as the petitioners, has already been granted the benefit of regular bail by the co-ordinate Bench of this Court on 08.04.2021 while deciding CRM-M-42225 of 2020.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

This Court has been informed that husband and son of the deceased have already been examined and they have not supported the prosecution. Keeping in view the said fact coupled with the fact that the allegation against the petitioners are only of forcibly entering into the house, which admittedly belongs to petitioner No.1 and there being no allegation of administering poisoned substance by the petitioners to the deceased and also the fact that the similarly situated co-accused Amarjit Kaur w/o Harpal Binder, has already been granted the benefit of regular bail by the Co-ordinate Bench of this Court while deciding CRM-M-42225 of 2020 on 08.04.2021, petitioners have made out a case for the grant of regular bail. It

is also noticed here that both the petitioners are senior citizens aged 73 and 72 years, keeping them behind the bars might be a health risk for them in view of the pandemic of Covid-19.

Learned State counsel submits that the petitioners are Canadian citizens and they might flee.

Learned counsel for the petitioners submits that the petitioners will surrender their passport to the authorities and will also not leave the country without the prior permission of the Court. Learned counsel for the petitioners also undertakes that the petitioners will not obstruct the trial in any manner or influence the witnesses, whose statement is yet to be recorded and in case of default of the above undertaking, the State will be at liberty to approach this Court for passing appropriate orders.

Without commenting upon the merits of the case, it is directed that the petitioners be released on regular bail, subject to the satisfaction of trial Court/Duty Magistrate concerned.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

June 28, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No