

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

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**CRM-M-18861-2021
Decided on : 21.05.2021**

Ram Partap

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Mr. Satbir Gill, Advocate
for the petitioner(s).

Ms. Tanushree Gupta, DAG, Haryana
assisted by SI Randhir Singh.

MANJARI NEHRU KAUL, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 94, dated 03.05.2020, registered under Section 306 IPC (Sections 147/149/201/302 IPC has been deleted), lodged at Police Station Nathusari Chopta, District Sirsa.

Learned counsel for the petitioner *inter alia* contends that a perusal of the FIR in question does not even remotely make out a case to attract the mischief of Section 306 of the IPC. While inviting the attention of this Court to the FIR (Annexed as Annexure P-1) learned counsel has submitted that the allegations in the FIR were self contradictory as on the one hand the complainant alleged he was informed by the petitioner (husband of his deceased sister) that the deceased had died due to hanging and in the same breath, he alleged that the petitioner had disclosed to him

that the deceased had been beaten to death by the petitioner and thereafter hanged to show it to be a case of suicide. Learned counsel for the petitioner contends that initially the case was registered under Sections 147, 149, 201, 302 of the IPC but later on it was converted to Section 306 of the IPC as the investigating agency did not find substance in the allegations levelled by the complainant of the deceased having been beaten to death. Still further, he submits that the petitioner had been married with the deceased for 15 years and never ever before the occurrence in question any complaint had been made by the complainant or the deceased against the petitioner of any harassment etc. It has been further submitted that infact the deceased-Saroj had illicit relations with co-accused Chander Pal. Since, the illicit relations between the deceased and co-accused Chander pal had come to the notice of the petitioner and his family, deceased-Saroj out of fear and shame ended her life. A prayer has therefore, been made for grant of bail as the petitioner has been in custody since 18.12.2020 and only challan stands presented.

Per contra, while opposing the prayer and submissions made by learned counsel for the petitioner, learned State counsel, on instructions from SI Randhir Singh, has apprised the Court that the delay in framing of charges has been on account of the prevailing pandemic.

Heard.

In view of the submissions made by learned counsel for the parties and keeping in view the fact that the petitioner has been in custody since 18.12.2020, 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. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

May 21, 2021

J.Ram

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*