

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM No. M-20929 of 2020 (O&M)
Date of decision : January 08, 2021

Devender Singh

....Petitioner

versus

State of Haryana

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Jasjeet S. Dhaliwal, Advocate, for the petitioner
Mr. Gaurav Jindal, Addl. AG Haryana

Fateh Deep Singh, J. (Oral)

The matter has been taken up through Video-conferencing on account of outbreak of pandemic COVID-19.

In this fourth regular bail application of accused petitioner Devender Singh, the allegations are that his marriage was solemnized on 27.3.2011 with Amandeep deceased niece of the complainant Kashmir Singh where sufficient dowry was given. The couple gave birth to a daughter and it is alleged that during the period of matrimony, the accused side has been raising demand of

dowry for which the deceased was physically assaulted and mental cruelty was also heaped upon her. The deceased prior to her death had made a telephonic call to the parents side and detailed her plight. It is alleged that subsequently, the accused family administered poisonous substance to the deceased on 29.4.2016 leading to her death.

Learned counsel for the petitioner inter-alia contends that the petitioner is behind the bars for more than four years and eight months and that it was a simpliciter case of matrimonial disaccord in which the deceased had committed suicide and the allegations of murder and forcible administration of poison are merely to make the offence more heinous and has prayed that in view of the prolonging of the trial, the petitioner is languishing in jail.

Learned State counsel has strongly opposed the bail on the grounds that in view of the heinousness of the offence disentitles the petitioner to any relief.

Appreciating the submissions as is fairly conceded at the bar by the learned State counsel, the petitioner has undergone incarceration since 4.5.2016. A debatable issue arises over the applicability of offence under Sections 306,304-B,302 IPC which can only be adjudicated at the trial which is still at the state of adducing

of additional evidence by the prosecution. In the light of the present COVID-19 pandemic and the fact that the trial is likely to be prolonged impels this Court to allow the bail. Accordingly, the petitioner is ordered to be released on regular bail to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, concerned.

The present petition stands disposed off accordingly.

The observations made herein above shall have no bearing on the merits of the case as these are purely for the disposal of the present bail application.

January 08, 2021
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(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?
Whether Reportable ?

Yes/No
Yes/No