

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
209) CRM-M-25499 of 2020 (O&M)
Date of Decision: 25.01.2021
Binoi ...Petitioner
Versus
State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Punit Malik, Advocate, for the petitioner.
Mr. B.S. Virk, DAG, Haryana

AMOL RATTAN SINGH, J. (Oral)

Case heard by video conferencing.

On October 15, 2020, the following order had been passed by
this court reproducing therein the order earlier passed on 24.09.2020:-

“All cases listed today have been taken up for hearing by way of
video conferencing because of the situation existing due to the COVID-19
pandemic.

On 24.09.2020, the following order had been passed:-

“All cases listed today have been taken up for hearing by way of
video conferencing because of the situation existing due to the COVID-19
pandemic.

This petition has been filed under the provisions of Section 439 of
the Cr.P.C., seeking 'regular bail' for the petitioner in case FIR no. 79 dated
18.03.2020, registered at Police Station Sector 7 IMT Manesar, District
Gurugram, for the alleged commission of offences punishable under Sections
498-A, 406 and 304-B of the IPC.

Pursuant to the order dated 04.09.2020, the petitioner has filed
CRM-22781-2020, seeking to place on record a copy of FIR no. 52 dated
20.02.2020, registered at Police Station Industrial Sector 7, Manesar, District
Gurugram, the said FIR having been registered at the instance of the

petitioner.

He submits that as a matter of fact the petitioners' wife had left her home on 18.02.2020, which is why the said FIR was got registered and therefore the petitioner in any case cannot be held responsible for her death, his further contention being that in fact she was having an illicit relation with somebody.

Notice in the application.

On the asking of the court, Mr. Deepak Bhardwaj, D.A.G., Haryana, accepts notice on behalf of the non-applicant/respondent.

Adjourned to 15.10.2020.

A reply to the petition, taking into the account the FIR stated to have been registered at the instance of the petitioner on 20.02.2020, be filed by the DCP concerned in Gurugram, also stating therein as to what action was taken pursuant to the aforesaid FIR dated 20.02.2020. ”

Today, as regards FIR no.52 dated February 20, 2020, it has been stated in the affidavit of the DCP that in fact a cancellation report was filed on the statement of the late wife of the petitioner, to the effect that she had left home and gone to Kolkata due to a fight with her husband and in fact that there was no allegation of any illicit relations made by the petitioner in that complaint.

Learned counsel for the petitioner however submits that the petitioner has now been in custody since March 2020, with not even the charge having been framed.

Learned State counsel submits that though the challan was presented in June 2020, in view of the ongoing situation, the charge has not been framed so far, with the next date of hearing being in December 2020.

That being so, without making any comment on the actual merits of the case, the petitioner is ordered to be released on interim bail to the

satisfaction of the trial court/CJM/Duty Magistrate concerned, till the next date of hearing before this court.

Adjourned to 25.01.2021.

A status report with regard to the stage of the trial be sent to this court before the next date of hearing.”

Today learned State counsel, upon query to him, submits that as per his instructions no prosecution witness has been examined so far, with the next date of hearing in the trial being 10.02.2021.

That being so and with the petitioner not having misused the concession of bail, with him having been in custody for more than 6 months before he was admitted to interim bail, this petition is allowed, with the order dated 15.10.2020 admitting him to interim bail, made absolute on the same terms and conditions.

25.01.2021
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(AMOL RATTAN SINGH)
JUDGE

Whether reasoned/speaking: Yes
Whether reportable: No