

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
(Through Video Conferencing)**

CRM-M-37611-2020

Date of Decision: 27.01.2021

BALRAM KUMAR @ BALRAM

.....Petitioner

V/s.

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL.

Present: Mr. Subhash Kumar, Advocate,
for the petitioner.

Mr. H.S. Sullar, Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (Oral)

This is the second petition which has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.72 dated 22.06.2019 registered under Section 304-B of the Indian Penal Code, 1860 at Police Station Division No.2, District Jalandhar, Punjab.

At the outset, learned counsel for the petitioner has submitted that due to oversight, instant petition has inadvertently been mentioned as the “first” petition whereas it is the “second” petition for grant of regular bail to the petitioner.

Learned counsel for the petitioner contends that the FIR in question was registered on the basis of the bogus investigation conducted by the Police pursuant to a complaint made by the complainant-Radhey Lal to the National Human Rights Commission, Delhi which in turn marked the investigation of the case to the Jalandhar Police.

Learned counsel for the petitioner submits that neither was the petitioner present at the place of occurrence when his deceased-wife committed suicide nor any suicide note was found at the place of occurrence

nor prior to the occurrence in question any complaint was made by the deceased or her family qua any harassment. It has further been submitted that subsequent to the suicide by the deceased, the matter was investigated into by the Police and since nothing incriminating came to the light, the matter was closed by the Police.

Learned counsel for the petitioner has submitted that the petitioner has been in custody since 26.06.2019 and only 04 out of 13 prosecution witnesses cited have been examined so far. Learned counsel has thus prayed for the concession of regular bail as there is no likelihood of the trial concluding in the near future.

Heard

Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions from SI Narender Singh, has submitted that the charges are likely to be framed before the trial Court in the near future.

In view of the submissions made by learned counsel for the petitioner and the fact that the petitioner has been in custody since 26.06.2019, the trial is unlikely to conclude in the near future more so in the wake of outbreak of pandemic COVID-19, the present petition is allowed and the petitioner is admitted to bail to the satisfaction of the 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.

January 27, 2021

Ess Kay

[MANJARI NEHRU KAUL]
JUDGE

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