

Law Today Live Doc. Id. 15059

PUNJAB AND HARYANA HIGH COURT

Before: Jaishree Thakur, J.

CRM No.13800 of 2020 in/and

Decided on: 19.06.2020

CRM-M-45568 of 2019 (O&M)

Jaibir

Petitioner

Versus

State of Haryana

Respondent

(Heard through VC)

Present:

Mr. Munish Mittal, Advocate for the petitioner.

Ms. Dimple Jain, AAG Haryana.

Code of Criminal Procedure, 1973 (2 of 1974), Section 319, 439 -- Indian Penal Code, 1860 (45 of 1860), Sections 304-B, 406 – Dowry death – Regular bail -- Custody since 25.07.2018 – Trial is likely to take some time -- An application u/s 319 Cr.P.C. has been moved by the prosecution for summoning the additional accused -- Covid-19 pandemic situation -- Courts are not working at full strength, no useful purpose would be served in keeping the petitioner behind bars -- Petitioner is directed to be released on regular bail.

(Para 2,6)

JUDGMENT

JAISHREE THAKUR J. (ORAL) –

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1. For the reasons mentioned in the application, the same is allowed. Hearing in the bail petition is preponed and taken up today.

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2. The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.219 dated 19.07.2018, under Sections 304-B, 406 of Indian Penal Code, registered at Police Station Uchana, District Jind.

3. Learned counsel for the petitioner contends that the petitioner herein was taken into custody in the aforesaid FIR on 25.07.2018. It is argued that the allegations as set in the FIR are patently false, while further submitting that the FIR itself would reflect that there is a statement that deceased herself consumed some poisonous substance, therefore, it cannot be said that the petitioner herein is guilty of poisoning the deceased. It is also argued that the MLR does not reflect any injuries on the body of the deceased. It is also contended that conclusion of trial will take sufficient time, since an application under Section 319 Cr.P.C. has been filed. It is also argued that out of the marriage, there are two minor children, who need to be looked after, therefore the petitioner is entitled to be enlarged on bail.

4. Per contra, learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer, opposes the grant of regular bail to the petitioner, while submitting that the offences alleged against the petitioner are serious in nature.

5. I have heard learned counsel for the parties.

6. Since, the trial is likely to take some time and in view of the facts that the petitioner herein has been in custody since 25.07.2018, that an application under Section 319 Cr.P.C. has been moved by the prosecution for summoning the additional accused and that given the Covid-19 pandemic situation the courts are not working at full strength, no useful purpose would be served in keeping the petitioner behind bars. At this stage, without commenting on the merits of the case, the instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal bond and surety bond to the satisfaction of concerned trial Court/Duty Magistrate.

7. However, anything observed or said by this court is only for the purpose of deciding the instant petition for grant of regular bail and the same shall have no affect on the merits of the case.

Petition allowed.
