

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

CRM-M-15370-2015

Date of decision: 04.09.2015

Amandeep Kaur

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. P.S. Ahluwalia, Advocate
for the petitioner.

Mr. Daljit Singh Virk, AAG, Punjab.

RAMESHWAR SINGH MALIK, J. (ORAL)

Petitioner seeks bail pending trial in FIR No.102 dated 02.10.2014 under Sections 302, 148, 149, 120-B of Indian Penal Code ('IPC' for short), registered at Police Station Mahilpur, District Hoshiarpur.

Learned counsel for the petitioner submits that petitioner was admittedly not named in the FIR because of which there could be no scope of levelling any allegations against him. However, he has been sought to be implicated after a period of seven days on the basis of a supplementary statement allegedly suffered by the brother of the deceased. The deceased was husband of the petitioner and she has been made accused with the aid of Section 120-B IPC. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from ASI Kuldeep Singh, Police Station Mahilpur, District Hoshiarpur, submits that there is sufficient evidence collected by the investigating agency, during the course of investigation which clearly goes to show that

petitioner was very much involved in the commission of offence. She had a strong motive to get her husband eliminated because they were not pulling well with each other. He prays for dismissal of the present petition.

Having heard the learned counsel for the parties and after careful perusal of the record of the case, this Court is of the considered opinion that in the peculiar facts and circumstances of the present case, petitioner has been found entitled for bail pending trial. It is so said because petitioner was not named in the FIR. She has been sought to be implicated on the basis of a supplementary statement suffered by brother of the deceased who was none else but her husband. In such a situation, it shall be the debatable issue before the learned trial Court whether the petitioner, as a matter of fact, had any role to play in the commission of crime. Further, since the prosecution evidence is still going on, conclusion of trial will take some time.

In view of the above and without commenting anything further on merits at this stage, lest it should prejudice the rights of either of the parties, instant petition is allowed. Petitioner is directed to be released on bail pending trial on her furnishing adequate bail bonds/surety bonds to the satisfaction of learned trial Court.

Disposed of, accordingly.

[RAMESHWAR SINGH MALIK]
JUDGE

04.09.2015
vishnu