

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-30776 of 2015

DATE OF DECISION: 22.09.2015

Sukhjinder Kaur

.....Petitioner

Versus

State of Punjab

.....Respondent

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspaper may be allowed to see judgment?**
- 2. To be referred to reporters or not?**
- 3. Whether the judgment should be reported in the Digest?**

Present:- Mr. Ashish Gupta, Advocate
for the petitioner.

Mr. Rupam Aggarwal, DAG, Punjab.

DAYA CHAUDHARY, J.

The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 31 dated 30.3.2014 registered under Sections 302,392,506,148,149 IPC, Sections 25,27,54,59 of Arms Act and Sections 341 and 120-B IPC added later on at Police Station Jaitu, District Faridkot.

Learned counsel for the petitioner contends that the petitioner has not been named in the FIR and she has been implicated in this case only on the basis of statement of HC Jaswant Singh recorded under Section 161 Cr.P.C., which was suffered after a delay of 19 days of lodging of the FIR. Learned counsel further contends that it is only hear-say

evidence as said HC Jaswant Singh was informed by secret informer that the petitioner was talking with her son-Gurbaksh Singh to take revenge of the death of her another son, namely, Ranjit Singh. Learned counsel also contends that both the sons of the petitioner, namely, Ranjit Singh and Gurbaksh Singh were having enmity with the complainant party and she has been implicated in this case just to settle the score. The challan has already been presented and no connecting evidence has come on record during investigation except the statement of said HC Jaswant Singh. It is also the argument of learned counsel that after examination of Sohan Singh (PW-1), an application under Section 319 Cr.P.C. was moved, which is still under consideration. The petitioner is in custody for the last more than one year and five months and trial will start de novo and will take long time to conclude.

Learned counsel for the respondent-State opposes the submissions made by learned counsel for the petitioner and contends that specific role has been attributed to the petitioner and there was no reason for HC Jaswant Singh to implicate the petitioner in this case.

Heard the arguments advanced by learned counsel for the parties and have also gone through the contents of the FIR as well as challan.

Keeping in view the submissions made by learned counsel for the petitioner and the fact that the petitioner has been involved in the case only on the basis of statement of HC Jaswant Singh recorded under Section 161 Cr.P.C that too after a delay of 19 days of lodging of the FIR; no connecting evidence has come on record as the allegations of conspiracy are there against the petitioner, which are matter of evidence and the same can be considered during trial; the petitioner is in custody for the last more than one year and five months; after recording statement of

PW-1, the application moved under Section 319 Cr.p.C. is still pending consideration; trial will take long time to conclude and no purpose would be served by keeping the petitioner behind the bars, who is lady of more than 60 years of age, the present petition is allowed. Petitioner-Sukhjinder Kaur is directed to be released on regular bail subject to her furnishing bail/surety bonds to the satisfaction of trial Court.

September 22, 2015
pooja

(DAYA CHAUDHARY)
JUDGE