

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

MUKESH KUMAR SALUJA
2015.03.27 18:23
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CRM-M-9038-2015
Date of decision: 27.03.2015

Manjit Kaur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

1. To be referred to the Reporters or not ?
2. Whether the judgment should be reported in the Digest ?

Present: Mr.D.S.Pheruman, Advocate for the petitioner.

RAMESHWAR SINGH MALIK, J. (Oral)

Petitioner seeks bail pending trial in FIR No.105 dated 14.9.2014 registered under Sections 302/376/511/201/34 of the Indian Penal Code at Police Station Sri Hargobindpur, Police District Batala, District Gurdaspur.

Notice of motion.

On the asking of Court, Mr. Daljeet Singh Virk, AAG, Punjab, accepts notice.

Custody certificate by way of affidavit dated 26.3.2015 filed in the Court today is taken on record.

Learned counsel for the petitioner submits that as per custody certificate, petitioner is inside the jail for the last more than six months. There is no allegation against the petitioner qua offence under Section 302/376 IPC. He further submits that the main accused is inside the jail and petitioner happens to be the mother of main accused. Only allegation against the petitioner and that too in the statement made by Gurmit Singh son of Ajai Singh, stated to be brother-in-law of the deceased, is that only

qua an offence under Section 201 IPC. He concluded by submitting that charge has not been framed so far. The trial will take long time. He prays for allowing the present petition.

On the other hand, learned counsel for the State submits that there are serious allegations against the petitioner. She facilitated in committing the offence under Section 201 IPC. He prays for dismissal of the present petition.

Having heard the learned counsel for the parties and after careful perusal of record of the case this Court is of the considered opinion that keeping in view the facts and circumstances of the present case noticed hereinabove, instant one deserves to be allowed. It is so said because there are no allegations qua offence under Section 302 IPC. Since the charge has not been framed, trial will take long time. Further, similarly situated co-accused of the petitioner has already been released on bail vide order dated 15.12.2014 (Annexure P-4) passed by this Court in CRM-M-39689 of 2014 (Sukhjeevan Kaur v. State of Punjab).

Learned counsel for the State could not distinguish the case of the present petitioner from that of Sukhjeevan Kaur. Consequently, petitioner is directed to be released on bail pending trial on her furnishing adequate bail bonds and surety bonds to the satisfaction of learned Chief Judicial Magistrate, Gurdaspur.

Disposed of, accordingly.

27.03.2015
mks

(RAMESHWAR SINGH MALIK)
JUDGE