

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRM M-29631 of 2016

Date of Decision: December 2, 2016

Ramandeep Kaur

.....Petitioner

Vs.

State of Punjab

.....Respondents

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI.

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Present:- Mr. Vishva Bahl, Advocate
for the petitioner.

Ms.H.K. Athwal, DAG, Punjab.

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M.M.S. BEDI, J. (ORAL)

Petitioner seeks the concession of regular bail in a case registered at the instance of Joginder Singh alleging that his son Varinder Singh had gone on April 20, 2012 from his house but did not return till April 23, 2012. His body was found lying on the road. On post mortem examination, viscera was found to contain chlorocompound, a group of insecticides.

During the course of investigation, the prosecution agency has gathered evidence in the shape of statement of Dilbagh Singh, a friend of

deceased to the effect that on April 20, 2012, deceased had told him that he was going to meet the petitioner who allegedly had illicit relations with the deceased. The wife of the deceased had also deposed to the effect that the petitioner had illicit relations with her deceased husband. Extra-judicial confession of the petitioner is alleged to have been recorded by the police to the effect that she along with Veer Kaur had murdered Varinder Singh.

Without expression of any opinion on merits, it is sufficient to observe here that out of 20 prosecution witnesses, 19 witnesses have already been examined. The appreciation of evidence for the purpose of adjudication of the present petition by entering into the niceties of the trial might prejudice the rights of the prosecution agency or the petitioner.

At this stage, counsel for the petitioner has submitted that an application under Section 319 Cr.P.C. has been filed by prosecution to summon the husband of the petitioner as an additional accused and in case the said application is allowed, the trial will commence do novo as such causing delay and prejudice to the petitioner.

Taking into consideration the totality of the circumstances, I am of the opinion that the petitioner cannot be granted the concession of bail merely on the ground that the adjudication of the application under Section 319 Cr.P.C. may prejudice the rights of the petitioner. No ground is made out to grant bail to the petitioner at this penultimate stage of the trial.

Dismissed without prejudice to the rights of the petitioner to file a fresh petition in case on the basis of the subsequent events there are chances of delay of the trial.

December 2, 2016
sanjay

(M.M.S.BEDI)
JUDGE

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