

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

(209)

CRM-M-3331-2016

Decided on: March 04, 2016.

Kamla Devi

.... Petitioner

Versus

State of Punjab

..... Respondent

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

Present: Mr. Deepak Aggarwal, Advocate, for the petitioner.

Ms. Harpreet Kaur Athwal, DAG, Punjab.

Mr. G.S. Dhillon, Advocate, for the complainant.

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

Petitioner seeks concession of regular bail in a case registered at the instance of Poonam Devi alleging that on account of her sister Baljit Kaur having been kidnapped by Rajvir Singh and Gurjant Singh, her father Sukhdev Singh had registered an FIR alleging that she has been enticed away on the pretext of marriage by one of the said accused.

During course of investigation, the complainant filed a complaint against the petitioner and Sukhdev Singh her father that the petitioner had illicit relations with her father Sukhdev Singh and that they used to ill-treat her mother and deceased and that they had murdered her sister by abducting her.

With the assistance of learned State counsel, I have gone through the police file.

During course of investigation, it appears that the petitioner had taken Baljit Kaur on 14.08.2015 along with her. Allegation against her is that she had thrown her in a canal.

From the police file, it transpires that the petitioner has been involved on the basis of extra judicial confession made by co-accused of the petitioner, Satnam Singh and Harnek Singh.

After hearing learned counsel for the petitioner and going through the record, it is apparent that the petitioner is a permanently physically disabled lady aged about 70 years having paralysis of both lower limbs. In this context, a certificate of Civil Surgeon Patiala has been shown in the Court. It is not disputed that she suffers from paralysis.

Taking into consideration the nature of circumstantial evidence gathered and her physical condition, the petitioner can be granted concession of bail as prima facie it is apparent that she will not be capable in any manner to tamper with the evidence or threaten the witnesses in the present case.

Petition is allowed. Petitioner is ordered to be released on bail on her furnishing bail bonds/surety bonds to the satisfaction of the trial Court.

(M.M.S. BEDI)
JUDGE

March 04, 2016
harsha