

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

CRM-M No. 42175 of 2015 (O&M)

Date of Decision: 29.02.2016

Sukhmeet Kaur alias Santokh Kaur

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Raju Arora, Advocate for the petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab
for the respondent/State assisted by ASI Jasbir Singh.

JASWANT SINGH, J. (ORAL)

Prayer is for grant of regular bail on behalf of the accused/petitioner-Sukhmeet Kaur alias Santokh Kaur in case FIR No. 124, dated 13.08.2013, for offences punishable under Sections 302, 201, 364, 120-B of the Indian Penal Code, registered at Police Station Sadar, Ludhiana.

Amarjit Singh, father of the complainant-Gurdip Singh was missing since early morning of 25.07.2013, on the basis of last seen statement of Nirpal Singh, aforesaid FIR was lodged initially under Sections 364 and 120-B of the Indian Penal Code. However, subsequently, on the statement of Avtar Singh, before whom it was alleged that extra judicial confession was made by the present petitioner-accused and her husband (Swaran Singh), the offences under Sections 302 and 201 of the Indian Penal Code were added. On investigation of both the aforesaid accused persons, three other co-accused/non-applicants, namely, Gurcharan Singh, Kulwinder Singh and Rohit @ Amit were nominated as accused.

It is contended that a false case has been foisted upon the petitioner by the Investigating Agency. There is absolutely no explanation

of Nirpal Singh, who is a co-villager of both the accused as alleged the deceased, of delay of 19-20 days since the alleged occurrence before he proceeded to disclose to the complainant that he had seen Amarjit Singh (since deceased) alongwith the petitioner/accused and her husband-Swaran Singh in a car. Therefore, the evidence of Last Seen qua the petitioner and co-accused/non-applicant-Swaran Singh (husband of the petitioner) is not credible, apart from being a weak type of evidence. As regards the evidence of alleged Extra Judicial Confession before Avtar Singh also does not inspire confidence as he is neither known to the accused party nor has any influence in the village. It is lastly submitted that the petitioner/accused being a lady is languishing in jail since her arrest i.e. 14.08.2013 whereas PW-Avtar Singh inspite of eighteen opportunities could not be presented by the prosecution.

Learned State Counsel, assisted by ASI Jasbir Singh, does not refute that the petitioner is in custody for the last more than two and a half years and sixteen prosecution witnesses still remain to be examined. He also concedes that material witnesses i.e. Nirpal Singh and Avtar Singh have since been examined.

Without commenting on the merits of the case, keeping in view the facts noticed above and custody period of the petitioner, no useful purpose would be served by keeping the petitioner/accused in custody since the trial is not likely to be concluded in near future, the present petition is allowed and the petitioner is ordered to be released on bail subject to satisfaction of Chief Judicial Magistrate/Duty Magistrate, Ludhiana.

February 29, 2016

'dk kamra'

(JASWANT SINGH)
JUDGE