

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

CRM No. M-19204 of 2016 (O&M)

Date of Decision: 10.01.2017

Jaswinder Kaur @ Jinder

... Petitioner

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Amandeep Singh Rai, Advocate for the petitioner.

Ms. Harpreet K. Athwal, DAG, Punjab.

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TEJINDER SINGH DHINDSA, J.(ORAL)

This order shall dispose of the present petition filed under Section 439 Cr.P.C. seeking benefit of regular bail to the petitioner in case FIR No.101, dated 21.06.2012, under Sections 302/201/420/467/468/471/120-B IPC, registered at Police Station Sadar Khanna, District Ludhiana.

Counsel for the parties have been heard.

Brief facts that would require notice are that on 21.06.2012 an unidentified body was discovered. After a period of almost one year i.e. on 02.06.2013, a photograph of the dead body was published in 'Jagbani' to facilitate identification of the body. It was thereupon that the identity of the deceased was made out to be Gurnam Singh on the statement of the father, namely, Dalbara Singh.

The present petitioner was arrested on 06.06.2013. Petitioner who is a lady is sought to be implicated on the strength of suspicion voiced by the father and sister of the deceased, namely, Dalbara Singh and Mani

Kaur. It has gone uncontroverted that both these material witnesses i.e. Dalbara Singh and Manjit Kaur have been examined before the trial Court. The statement of father of the deceased, namely, Dalbara Singh, PW1 has been placed on record at Annexure P-2 and has been adverted to during the course of arguments. He has clearly deposed that the fact about the present petitioner and co-accused, Dalbara Singh planning to kill his son came to his notice and information only 10/12 days prior to recording of a statement by the police i.e. on 04.06.2013. Even the statement of PW5, Manjit Kaur i.e. sister of the deceased has been placed on record at Annexure P-3 and who in her cross-examination admitted that no complaint with regard to her brother Gurnam Singh having gone missing was lodged after 20.06.2012.

The entire prosecution version is based on circumstantial/ hearsay evidence.

The issue as regards offence under Section 302 IPC being made out against the present petitioner would be a moot point and to be considered by the trial Court.

Learned State counsel apprises the Court that out of 54 prosecution witnesses cited, 28 have been examined till date and 11 have been given up. The trial would take some time to conclude. It is not the case made out on behalf of the State that the petitioner if granted the benefit of bail would be in a position to hamper or influence the course of trial.

Material witnesses i.e. father and sister of the deceased have already been examined as PW1 and PW5 respectively.

The petitioner has faced incarceration over a period of more than 3 ½ years as of date.

In the totality of circumstances and without making any

observations on merit, the present petition is allowed. Petitioner be enlarged on bail subject to satisfaction of the trial Court/Duty Magistrate, Ludhiana.

Disposed of.

10.01.2017

harjeet

(TEJINDER SINGH DHINDSA)
JUDGE

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| i) | Whether speaking/reasoned? | Yes |
| ii) | Whether Reportable? | Yes |