

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

**Crl. Misc. No. M-31410 of 2017
Date of Decision : November 10, 2017**

Sukhpal Kaur @ Satpal KaurPetitioner

Versus

State of Punjab Respondent

CORAM : HON'BLE MRS. JUSTICE LISA GILL

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Present: Mr. Sarbjit Singh, Advocate
for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

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LISA GILL, J. (Oral)

The petitioner seeks the concession of bail pending trial in FIR No. 59 dated 05.09.2013 under Sections 304-B/201 IPC registered at Police Station Jhander, Amritsar.

The petitioner is the mother-in-law of the deceased. It is submitted that no specific allegation has been levelled against the present petitioner. Cause of death of the petitioner's daughter-in-law was due to drowning. The petitioner's son i.e. the husband of the deceased as well as brother-in-law (another son of the petitioner) have been acquitted by the learned Additional Sessions Judge, Amritsar, on 23.11.2015 (Annexure P2).

It is submitted that the petitioner was wrongly declared to be a Proclaimed

Offender without effecting proper service. She was arrested on 11.12.2016.

Moreover, the complainant as well as the father and brother-in-law of the deceased have since been examined before the learned trial Court. Thus, all material witnesses stand examined. The petitioner, it is submitted, undertakes to face trial and may be burdened with heavy surety as well. Trial in this case is not likely to be concluded in the near future. Therefore, this petition be allowed.

As per report dated 12.10.2017 received from the learned Additional District Judge, Amritsar, it is reported that the complainant has been examined on 11.10.2017.

Learned counsel for the State, on instructions from ASI Major Singh, verifies that the complainant as well as the father and brother of the deceased have since testified before the learned trial Court. It is informed that only 03 out of 27 prosecution witnesses in this case have since been examined. Acquittal of the co-accused is not in dispute. No appeal is reported to be filed challenging the acquittal of the co-accused. The petitioner is not reported to be involved in any other criminal case. There are no allegations that petitioner is likely to abscond or that she is likely to dissuade the witnesses from deposing true facts in the Court, if released on bail. No useful purpose shall be served by keeping the petitioner incarcerated any longer.

Keeping in view the facts and circumstances noted above but without expressing any opinion on the merits of case, it is considered just and expedient to allow this petition. Consequently, the petitioner be released on bail pending trial subject to her furnishing heavy bail bonds and surety to the satisfaction of the learned trial Court.

None of the observations made here-in-above shall be

construed to be a reflection on merits of the case and shall have no bearing on trial.

10.11.2017
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(LISA GILL)
JUDGE

Note: Whether speaking/reasoned

Yes / No

Whether Reportable:

Yes / No