

**Sr. No.212
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CRM No. M-38930 of 2016 (O&M)
Date of Decision: 10.01.2017**

Lakhvir Kaur

... Petitioner

Versus

State of Punjab

... Respondent

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

Present:- Mr. Munish Bansal, Advocate,
for the petitioner.

Ms. Harpreet K. Athwal, DAG, Punjab.

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.164 dated 28.11.2014, under Sections 302/120B/34 of Indian Penal Code, registered at Police Station Nehainwala, District Bathinda.

Counsel for the parties have been heard.

Deceased in the present case is Major Singh i.e. husband of the present petitioner. FIR was registered on the statement of Nazar Singh i.e. brother of the deceased. As per statement of the complainant recorded on 28.11.2014, deceased Major Singh had gone out of his house and had not returned back and on account of which the complainant along with his other brother, namely, Gurtej Singh went in search and found the blood stained body of Major Singh lying on a road at a small distance from the village. It was alleged that there were injuries on the forehead/head of the deceased and the blood was oozing out. At the time of recording of the initial statement Nazar Singh brother of the deceased had stated that unknown

persons have killed his brother Major Singh by inflicting injuries.

The present petitioner has been implicated in the present case along with one Jagsir Singh and Vakil Singh and the prosecution version is that the petitioner i.e. wife of the deceased Major Singh was in an illicit relationship with co-accused Jagsir Singh.

It is also the case of the prosecution that the accused have suffered a confessional statement before Tirath Singh S/o Bakhshish Singh who was the ex-sarpanch of the Village. Yet another prosecution witness who has been examined before the trial Court is Manpreet Singh PW-6 and who has also deposed with regard to the illicit relationship between the petitioner and co-accused Jagsir Singh. He went further on to depose that the entire village was aware of such relationship.

Petitioner has been in custody since 02.12.2014.

It is mystifying to this Court that in case version of PW-6 Manpreet Singh is to be believed as regards the illicit relationship between the present petitioner and co-accused Jagsir Singh, why would the complainant who is none other than the real brother of the deceased make initial statement before the police authorities as regards the murder having been committed by unknown persons.

The admissibility of a confessional statement before PW-2 Tirath Singh would be an issue to be considered by the trial Court.

All the material witnesses including Tirath Singh, Manpreet Singh as also Nazar Singh i.e. complainant have already been examined.

In view of the discussion hereinabove, this Court is of the considered view that the petitioner who is a lady and has already suffered incarceration for a period in excess of two years is entitled to the benefit of

bail.

Petition is allowed. Petitioner be enlarged on bail subject to the satisfaction of the trial Court/Duty Magistrate, Bathinda.

It is made clear that observations contained in this order are confined only as regards considering the prayer of the petitioner for grant of bail and would have no bearing on the merits of the case.

Disposed of.

10.01.2017

vandana

(TEJINDER SINGH DHINDSA)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No