

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

**CRM No.M-702 of 2017 (O&M)
Decided on: 21.03.2017**

Gurmit Kaur

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MRS JUSTICE REKHA MITTAL

Present : Mr. K.S. Jetley, Advocate
for the petitioner.

Mr. Ankur Jain, AAG, Punjab.

REKHA MITTAL, J. (Oral)

The petitioner prays for grant of regular bail under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.123 dated 31.10.2015, for offence punishable under Sections 304-B, 302 read with Section 34 of the Indian Penal Code (in short 'IPC') registered in Police Station Dhariwal, District Gurdaspur.

Counsel for the petitioner has submitted that the petitioner was arrested in the case on 28.11.2015 and since then she is in custody. Further argued that the petitioner is 64 years old and law regarding grant of bail to a woman is more liberal. Another submission made by counsel is that the complainant was examined in the case on 05.07.2016 but he has made material improvements in his testimony viz-a-viz his version recorded in his statement Ex.PA. The last submission made by counsel is that the petitioner is ready to face proceedings, in accordance with law but she may be released on bail as conclusion of trial is likely

to take some more time.

Counsel for the State, on the contrary, has submitted that 08 witnesses have already been examined and 09 witnesses remain to be examined and out of them 06 witnesses have been bound down for 29.03.2017. It is further submitted that the prosecution is likely to conclude remaining evidence within a period of 45 days.

I have heard counsel for the parties and perused the paperbook.

Concededly, official witnesses remain to be examined in the case and the case is fixed for remaining evidence of the prosecution for 29.03.2017. The prosecution has given to understand that evidence of the prosecution would be concluded within a period of 45 days. The petitioner along with her husband is facing trial whereas husband of the deceased is not nominated as an accused as he was abroad at the time of occurrence.

Without meaning to express any opinion on merits of the case, bail to the petitioner subject to satisfaction of the trial Court in case the prosecution fails to conclude prosecution evidence within a period of 02 months. However, the petitioner shall not be entitled to benefit of this order if delay in conclusion of prosecution evidence is attributable to her. The prosecution and the trial Court would put their best efforts to conclude the evidence well within a period of 02 months. However, in case released on bail she shall remain bound by the following conditions:-

- (i) *She shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted*

with the facts of the case so as to dissuade his/her from disclosing such facts to the Court or to any police officer; and

(ii) *She shall not leave India without the previous permission of the Court.*

21.03.2017
yakub

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No