

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-8215 of 2017

Date of Decision: 15.03.2017

Kiran

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Dhiraj Chawla, Advocate
for the petitioner.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 32 dated 10.05.2016 registered for the offence punishable under Section 302 read with Section 34 of Indian Penal Code (for short "IPC") at Police Station Cantt. Jalandhar, District Jalandhar.

Heard.

Notice of motion.

On asking of the court, Ms. Bhavna Gutpa, DAG, Punjab, who is present in the Court accepts notice and submits that intimation by Registry informing of fixation of the petition has already been received and record of the case is available with her.

As per case of prosecution, Gautam son of complainant was murdered by Kartik son of the petitioner. After the arrest, Kartik suffered a disclosure statement stating therein that he disclosed the incident to his parents, who went to the place of occurrence i.e. Dussehra Ground. Father of Kartik cut ear of Gautam and threw the same near toilet while the

petitioner removed shoes worn by Gautam and buried the same under earth. All these was done by them in order to show death of Gautam as natural accident.

Learned counsel for the petitioner submits that role attributed to the petitioner is that she removed the shoes of Gautam after his death and no role or participation of petitioner is alleged in the murder of Gautam. The story to involve parents of Kartik has been concocted at later stage to implicate the entire family. In fact both Kartik and Gautam were drug addicts and the death of Gautam was caused due to overdose of drugs.

Learned State counsel submits that as per disclosure statement suffered by Kartik, he had given brick blow on the head of Gautam as a result of which he became unconscious. Two incised wounds on left ear were found on dead body of the deceased. His one ear was found missing and this injury has been attributed to father of Kartik. The challan has been presented in this case and charges have also been framed.

On giving a careful thought to submissions of learned counsel for the petitioner and learned State counsel and keeping in view the role of petitioner in the occurrence as alleged by the complainant and found during investigation, I find it to be a fit case to extend the benefit of regular bail to the petitioner, who was arrested on 17.05.2016. The only role attributed to petitioner, as per disclosure statement suffered by her son to the effect, is that she had removed the shoes of Gautam and buried the same under earth.

In view of above but without expressing any opinion on merits of the case and keeping in view the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Kiran is ordered to be released on regular bail on furnishing bail bond and surety

bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of her absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel her bail bond and surety bond and proceed to procure her presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- (c) She shall not leave the country without the previous permission of the Court.

March 15, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No