

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

Sr. No.207

CRM-M-1034-2018

Date of decision : 20.02.2018

Chinderpal Kaur @ Shinder Kaur

..... Petitioner

VERSUS

State of Punjab and another

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Munish Gulati, Advocate, for the petitioner.

Mr. Amandeep Singh Gill, Sr. DAG, Punjab.

SUDHIR MITTAL, J. (Oral)

The petitioner seeks regular bail in complaint case No.COMS/0600062/2005 dated 23.04.2005 titled as 'Jagtar Singh Vs. Surjit Singh and others', under Section 302 and 34 IPC, which is pending in the Court of learned Judicial Magistrate First Class, Moga.

Learned counsel for the petitioner submits that the petitioner is accused of killing her husband in association with her paramour. FIR No.182 dated 25.08.2004, had been registered in this regard, but the same was cancelled vide order dated 13.07.2005 (Annexure P-2). Thereafter, the present complaint has been initiated. Meanwhile, the petitioner alongwith her three children, shifted from her village Kanwal, Tehsil and District Moga to House No.25/502, Preet Nagar, Moga and resultantly, the summons issued by the learned trial Court were not received by her. Thus, the submission is that complaint is abuse of process of law and that the petitioner is not guilty of avoiding the process of the Court

because summons was never served. Now, she has been in custody since 16.02.2017. The petitioner is entitled to regular bail as there is no likelihood of her absconding or influencing the trial of the case.

Custody certificate dated 19.02.2018, prepared by Sh. Vipanjit Singh Sidhu, Deputy Superintendent, Central Jail, Faridkot has been filed by the learned State counsel in Court today and the same is taken on record. According to said certificate, the petitioner has undergone actual custody of eight months and three days.

Keeping in view the fact that a cancellation report was submitted earlier and that three small children are living with the petitioner, I deem it appropriate to order the release of the petitioner on bail during the pendency of the trial, on her furnishing bail and surety bonds subject to the satisfaction of the concerned trial Court, Moga.

The petition is allowed.

(SUDHIR MITTAL)
JUDGE

20.02.2018

Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No