

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

CRM-M-20831 of 2018

Date of Decision:21.05.2018

Kanwaldeep Kaur

....Petitioner

Versus

State of Punjab

...Respondent

CORAM:HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. P.S. Ahluwalia, Advocate
for the petitioner.

Mr. A.S. Dhaliwal, DAG, Punjab.

MAHABIR SINGH SINDHU, J.(Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure (Cr.P.C.) for grant of concession of regular bail to the petitioner in case First Information Report No. 7 dated 17.01.2018, under Sections 302, 34 and 201 of the Indian Penal Code registered at Police Station Passiana, District Patiala.

Prosecution case in brief is that: the abovesaid FIR was registered on the statement of Baljinder Singh s/o Puran Singh that his elder brother Narinder Singh was married to Sandeep Kaur daughter of Bhajan Singh, resident of Gobindgarh, about nine years ago they were blessed with one son. There remained altercation between his brother and sister-in-law and on many occasion his sister-in-law had gone to her parents house due to annoyance and even Panchayats were convened many times and his sister-in-law was brought back. The complainant stated that main reason of dispute between his brother and sister-in-law was that his sister-in-law had

developed illicit relations with one Pardeep @ Pandit and they considered the brother of complainant as hurdle in their affairs. As per the complainant, about one year ago, Shanty (brother-in-law of brother of the complainant) accompanied by Pardeep @ Pandit and two other accomplice at about 10.00 pm had attacked on brother of complainant with Kirpans but saved with the intervention of respectables, since then, his wife, brother-in-law and father-in-law, brother of complainant were threatening him with dire consequences.

Learned counsel for the petitioner submits that the petitioner is in custody since 17.01.2018 and two persons namely Pardeep @ Pandit and Sandeep Kaur, who were initially arrayed as accused and attributed the main allegations have already been declared innocent by the police during investigation. It is further contended that recovery, if at all have been made from the Harbhajan Singh and Jatinder Singh and nothing has been recovered from the petitioner during the course of investigation. It is also contended that the report under Section 173 Cr.P.C. was submitted on 19.04.2018 and charges are yet to be framed.

The above factual position is duly acknowledged by learned State counsel on instructions from ASI Amrik Singh.

Heard learned counsel for the parties and perused the paper book.

In view of the fact that the petitioner being a female and is in custody since 17.01.2018 and the charges are yet to be framed and nothing incriminating has been recovered from the petitioner during investigation. The trial is likely to take a long time to be concluded and as such no useful purpose would be served by keeping the petitioner behind the bars any more as there is no allegation that she will threaten any prosecution witnesses or

will extend any sort of pressure.

Therefore, in view of the abovesaid circumstances, without expressing any opinion on the merits of the case, this petition is accepted. Petitioner-Kanwaldeep Kaur be admitted to bail on her furnishing bail bonds and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

[MAHABIR SINGH SINDHU]
JUDGE

May 21, 2018
rashmi

Whether speaking/reasoned	yes
Whether reportable?	yes