

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

**CRM-M No. 29405 of 2018  
Date of decision : 29.11.2018**

**Nirmal Kaur**

.....Petitioner

*Versus*

**State of Punjab**

...Respondent

**CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY**

Present : Mr. Jasraj Singh, Advocate for the petitioner.

Ms. Samina Dhir, DAG, Punjab.

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**DAYA CHAUDHARY, J. (Oral)**

Petitioner Nirmal Kaur has approached this Court by way of filing the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to her in case FIR No.80 dated 16.06.2017 under Section 302 read with Section 34 and 120-B of the Indian Penal Code, 1860, registered at Police Station – Bullowal, Distt. Hoshiarpur, during pendency of the trial.

Learned counsel for the petitioner submits that initially the present FIR was registered at the instance of the petitioner but subsequently, she has been implicated as an accused in the case on allegations of Section 120-B IPC. Two sons of the petitioner are already in custody after their arrest. Even during the investigation, no evidence regarding criminal conspiracy has been collected. There was no motive with the petitioner to commit murder of her husband. She is in custody since 19.06.2017. She has been shown to have suffered a disclosure statement on the lines of disclosure

statement of co-accused who is her son, to the effect that her husband was got murdered by her sons Deepak and Princepreet in conspiracy with her. Learned counsel also submits that there are total 27 prosecution witnesses and out of them 3 witnesses have been examined. Even as per the statements of these 3 prosecution witnesses, nothing is there to connect the petitioner with the commission of offence. The petitioner is 52 years of age and has not only lost her husband but she is the victim of the circumstances. The case is based on circumstantial evidence. The trial may take some time to conclude and no purpose would be served by keeping the petitioner in custody.

Learned State counsel has not disputed the custody period undergone by the petitioner as well as the stage of the trial but she has opposed the submissions made by learned counsel for the petitioner on the ground of seriousness of offence.

By considering the submissions made by learned counsel for the petitioner, the custody period which is approximately one year and six months and also the fact that there is no direct evidence except the disclosure statement and allegation of criminal conspiracy; nothing has been pointed out as to how the criminal conspiracy was hatched to cause murder of her husband, the present petition is allowed and the petitioner is directed to be released on regular bail on furnishing adequate bail/surety bonds to the satisfaction of the trial Court.

**29.11.2018**

*sunil yadav*

**( DAYA CHAUDHARY )  
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No