

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

**Criminal Misc. No. M-32301 of 2018
Date of decision: 30.10.2018**

Charanjit Kaur @ Kali

..Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. G.S. Nahel, Advocate
for the petitioner.

Mr. Amit Mehta, Sr. DAG, Punjab
for the respondent-State.

Daya Chaudhary, J.

Petitioner-Charanjit Kaur @ Kali has approached this Court by way of filing the present petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.133 dated 24.09.2017 registered under Section 306 IPC at Police Station Moonak, District Sangrur during pendency of the trial.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case whereas she was not involved in commission of offence. Neither any suicide note was left by the deceased nor any specific allegation has been levelled against the petitioner. As per version of the prosecution, complainant went in his field on 24.09.2017 at about 8.30 am and found that his cousin brother-Makhan Singh was lying in the empty land of the fields and had died. Thereafter, complainant informed the family members and he along with some other persons came back to the

fields to take the dead body of the deceased-Makhan Singh. While getting the dead body of Makhan Singh, one paper was found from his pocket, which was read over by the member of the Gram Panchayat. FIR was registered against the petitioner and some other persons. Learned counsel further submits that complainant-Gurjit Singh appeared before the trial Court as PW1 and in the statement got recorded by him, the petitioner was not named. During cross-examination, complainant has stated that the deceased was a drug addict from the last many years and was not having any sense as to what was to be consumed or what was not. It has also been stated by the complainant in his statement that clothes of the deceased were searched but nothing was found. Learned counsel also submits that Ex. Panch Sony Ram appeared before the trial Court as PW2 and has not named the petitioner. In his cross-examination, he could not identify the handwriting and signature of any person on Ex.PD. Learned counsel also submits that co-accused of the petitioner, namely, Ranjit Kaur, Gurjeet Kaur, Jagsir Singh @ Jaggi and Baljinder Singh have been released on regular bail by this Court on 08.06.2018, 17.05.2018 and 09.05.2018, respectively and one co-accused, namely, Jaswinder Kaur was released on anticipatory bail by this Court vide order dated 14.12.2017. At the end, learned counsel for the petitioner submits that nothing is to be recovered from the petitioner and all material witnesses have been examined. Still trial may take time to conclude and no purpose would be served by keeping the petitioner in custody.

Learned State counsel has not disputed the stage of trial as well as release of co-accused on regular bail and anticipatory bail by this Court.

Heard arguments of learned counsel for the petitioner as well as learned State counsel and have also perused the contents of the FIR and other documents available on the file.

Admittedly, co-accused of the petitioner, namely, Ranjit Kaur, Gurjeet Kaur, Jagsir Singh @ Jaggi and Baljinder Singh have been released on regular bail by this Court and one co-accused, namely, Jaswinder Kaur was released on anticipatory bail by this Court vide order dated 14.12.2017. All the material witnesses have been examined. The trial may take some time to conclude and no purpose would be served by keeping the petitioner in custody.

Accordingly on the basis of parity and keeping in view the stage of trial, the present petition is allowed and the petitioner (Charanjit Kaur @ Kali) is directed to be released on regular bail subject to her furnishing bail/surety bonds to the satisfaction of the trial Court.

30.10.2018
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(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

No