

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

CRM-M-3501-2018 (O&M)

Date of decision: 04.12.2018

Sukhwinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. S. P. S. Sidhu, Advocate
for the petitioner.

Mr. M. S. Nagra, AAG, Punjab.

Mr. Amandeep Singh Manaise, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of regular bail under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in Rapat No.22 dated 06.04.2017, for offence punishable under Sections 297, 195, 193 of the Indian Penal Code, 1860 (in short 'IPC') in FIR No. 20 dated 05.04.2017, registered under Sections 302, 148 and 149 of the IPC at Police Station Mallanwala, District Ferozepur.

Learned counsel for the petitioner submits that co-accused of the petitioner, namely Ranjit Kaur, was granted interim bail by this Court, vide order dated 08.08.2017 passed in CRM-M-21181-2017 by passing the following order:

“It is submitted on behalf of the petitioner that the petitioner at the very instance got the FIR No.20 dated 05.04.2017 registered against four persons, namely, Baldev Singh, Jagdeep Singh, Satnam Singh and Mandeep Singh, regarding the alleged murder of her mother-in-law and on the very next day i.e.

06.04.2017, the aforesaid rapar was registered on the allegations that the petitioner along with her coaccused has tried to create evidence by causing injuries to the dead body of Surjit Kaur. During the course of arguments, it is transpired that report of Chemical Examiner and Histopathology is still awaited and as such, the exact cause of death of deceased – Surjit Kaur is yet to be ascertained. This fact is not disputed by learned State counsel, on instructions from ASI Narinder Singh. Counsel for the petitioner further submits that the petitioner is a lady and is in custody since 06.04.2017 and her husband and brother-in-law are also in judicial lock-up in some other case and there is no other member in her family to take care of the children. In view of the submissions made by learned counsel for the petitioner, the petitioner is granted interim bail on furnishing her bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate till the report of Chemical Examiner/Histopathology is received subject to the following conditions:- 1. She shall make herself available for interrogation by a police officer as and when required; 2. She shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer; and 3. She shall not leave India without previous permission of the Court. List again on 14.12.2017.”

Learned counsel for the petitioner further submits that another co-accused, namely Beant Singh, was also granted interim bail by this Court vide order dated 29.08.2017 passed in CRM-M-30208-2017.

It is further submitted that both the aforesaid orders dated 08.08.2017 and 29.08.2017, granting interim bail to co-accused Ranjit Kaur and Beant Singh, respectively, have been made absolute by order of the even date passed by this Court in CRM-M Nos. 21181 and 30208 of 2017.

Learned counsel for the petitioner further submits that in connected case i.e. CRM-M-21181-2017, a status report report by way of affidavit of DSP (City), Ferozepur has been filed in Court and as per the same, after completion of investigation, challan against the petitioner and

co-accused Ranjit Kaur and Beant Singh has already been filed on 06.07.2017 and the case is now fixed for 15.12.2018 before the Court of Sessions Judge for framing of charge.

Learned State counsel, on instructions from ASI Narinder Singh, has not disputed the factual position.

Without commenting upon the merits of the case, considering the fact that both the co-accused, namely Beant Singh and Ranjit Kaur, have already been granted concession of regular bail and the present petitioner is in judicial custody since 05.04.2017 and also in view of the fact that the cause of death of deceased Surjit Kaur will be a debatable issue in the light of the final opinion/report of the medical board, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

December 04, 2018

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No