

Crl. Misc. No. M-43679 of 2018

(1)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-43679 of 2018

DATE OF DECISION:12.11.2018

Swaran Kaur

.....Petitioner

Versus

State of Punjab

.....Respondent

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Sarbjit Singh, Advocate
for the petitioner.

Mr. Amit Mehta, Sr. DAG, Punjab

DAYA CHAUDHARY, J.

The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to petitioner-Swaran Kaur in case FIR No.88 dated 1.9.2015 registered under Sections 302/34 IPC at Police Station Bhindi Saidan, Amritsar, District Amritsar.

Learned counsel for the petitioner contends that there was delay of 14 months in lodging of the FIR as the incident took place on 23.7.2014 and FIR was registered on 1.9.2015. No role has been attributed to the petitioner and all the family members of the petitioner have been implicated in this case. Learned counsel further contends that earlier the petitioner was found innocent in the investigation but subsequently she has been summoned under Section 319 Cr.P.C. The petitioner was declared proclaimed offender on 11.8.2017 without following any procedure of law.

The petitioner is in custody for about eight months. Learned counsel also contends that co-accused, namely, Bhajan Singh has approached this Court by way of filing Crl. Misc. No. M-21817 of 2016, which was allowed vide order dated 2.8.2016. All the material witnesses have been examined and no purpose would be served by keeping the petitioner behind the bars.

Learned counsel for the respondent-State has not disputed the custody period as well as release of co-accused-Bhajan Singh on regular bail and also the fact that the petitioner has been summoned under Section 319 Cr.P.C.

Keeping in view the submissions made by learned counsel for the petitioner and also the facts that on the same set of allegations, co-accused, namely, Bhajan Singh has been released on regular bail by this Court vide order dated 2.8.2016; all the material witnesses have been examined; there was an inordinate delay in lodging of the FIR; injury No.1 which was stated to be the cause of death, was not declared grievous and dangerous to life; the deceased remained at home after discharge from the hospital and thereafter he again remained admitted in the hospital from 2.9.2014 till 4.10.2014 and no cause of death has been given by the Doctor as no postmortem was conducted, the present petition is allowed. Petitioner-Swaran Kaur is directed to be released on regular bail subject to her furnishing bail/surety bonds to the satisfaction of trial Court.

November 12, 2018
pooja

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes