

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

**CRM-M No.46197 of 2017
Date of Decision: 22.02.2018**

Fatima @ Fatto

.....Petitioner

Vs

State of Punjab

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

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

Mr. Hittan Nehra, Addl. A.G., Punjab.

RAJ MOHAN SINGH, J.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.74 dated 03.05.2017, registered under Sections 302, 34 IPC at Police Station City Roopnagar District Roopnagar.

The FIR came to be registered at the instance of complainant Rampal son of Late Rodu Ram. The prosecution story was to the effect that on 02.05.2017, father of the complainant went to Budki river for grazing his cattles. Cousin of the complainant i.e. Mahinder Singh, informed the complainant that their cattles were grazing near cremation ground, but his

father was not found there. Complainant along with some persons of the village went in search of his father and at about 9.30 p.m., dead body of his father Rodu Ram was found in a pond of Budki river. Supplementary statement of the complainant was recorded on 04.05.2017 in which he alleged that as per his own investigation, he came to know that his father had a quarrel with Mohd. Beeru, Noori wife of Beeru and Fatto in respect of grazing of cattles. Complainant alleged that the death of his father was relatable to the quarrel with the aforesaid persons.

Learned counsel for the petitioner submitted that extra-judicial confessions have been relied by the prosecution. In the extra-judicial confession of accused before PW-5 Choor Singh, the complicity of the petitioner along with others was alleged. In the statement under Section 161 Cr.P.C. of PW-5 Choor Singh, only name of Mohd. Beeru was mentioned that he had come to him to confess the guilt, whereas in examination-in-chief as PW-5, the witness deposed that all the accused came to him and confessed their guilt.

Learned counsel further submitted that PW-6 Harbans Kaur was also cited as witness of extra judicial confession. In her statement recorded under Section 161 Cr.P.C., she stated that the accused came to her and confessed the guilt, whereas

in cross-examination, she deposed that the accused came to her, but she did not listen to them. Ajit Singh was cited as witness of last seen, who deposed that on 02.05.2017, he was aware about the murder of father of the complainant. The version of Ajit Singh was recorded on 04.05.2017.

Learned counsel further submitted that it would be debatable as to the veracity of such deposition as the witness was known to the deceased being cousin and if the factum of murder was known to him, then how the FIR was registered against unknown persons.

On the other hand, learned State counsel submitted that out of total 23 prosecution witnesses, 11 witnesses have already been examined including the material witnesses. The case before the trial Court is fixed for 27.02.2018 for examination of remaining official witnesses.

I have considered the submissions made by learned counsel for the parties.

At this stage, no finding on merits can be given, otherwise it may prejudice the case of either side during trial. Petitioner is a lady, who is in custody for the last more than 9 months. The case appears to be debatable.

In view of above, without adverting to the merits of the

case, I deem it appropriate to grant concession of regular bail to the petitioner.

Consequently, the petition is allowed. Petitioner is ordered to be enlarged on bail, subject to her furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

February 22, 2018

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**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No