

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

CRM-M-48028-2018 (O&M)

Date of Decision:-19.12.2018

Jashanpreet Kaur

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

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

Ms. Ruchika Sabherwal, Assistant Advocate General, Punjab.

GURVINDER SINGH GILL, J.(Oral)

Ms. Seena Mand, Advocate has put in appearance on behalf of the complainant and has filed power of attorney, which is taken on record.

By way of filing this petition, the petitioner Jashanpreet Kaur seeks grant of regular bail in respect of a case registered against her vide FIR No.278 dated 14.11.2016 under Sections 302, 201 and 34 of Indian Penal Code, 1860 at Police Station Salem Tabri, District Police Commissionerate, District Ludhiana.

The FIR was registered at the instance of Avtar Singh, wherein it has been alleged that his daughter Maninder Kaur was married to Amritpal Singh on 19.9.2010. The said Amritpal Singh, however, expired on 26.2.2016 and thereafter Maninder Kaur had been residing in her in-laws house alongwith her daughter. Although, the deceased Amritpal Singh had executed a Will in respect of a plot measuring 300 Sq.Yds. but the in-laws of Maninder Kaur were, however, pressurizing her to give a share out of the said property. It is alleged that subsequently the father-in-law of Maninder

Kaur namely Balwinder Singh, mother-in-law and sister-in-law (petitioner Jashanpreet Kaur) had inflicted injuries and killed Maninder Kaur.

Notice of this petition was issued to the State.

The learned counsel for the petitioner has submitted that no specific injury is attributed in the FIR and that infact there is no eye-witness to the alleged incident. It has further been submitted that co-accused namely Balwinder Kaur, mother-in-law of deceased Maninder Kaur and Balwinder Singh, father-in-law of Maninder Kaur, who are identically situated, have already been granted bail and that in these circumstances, the petitioner also deserves the concession of bail on grounds of parity, especially in view of the fact that she has been behind bars since the last more than two years.

On the other hand, the learned State counsel assisted by the learned counsel for the complainant has submitted that in the present case, the dead-body of Maninder Kaur was found lying in the house of Balwinder Singh and that the petitioner Jashanpreet Kaur, sister-in-law of Maninder Kaur, had made a disclosure statement stating that Balwinder Singh and his wife had caught hold of Maninder Kaur, while the petitioner Jashanpreet Kaur had inflicted injuries with the help of an iron rod to the deceased leading to her death. It has, however, been informed that as on date only 9 out of 23 prosecution witnesses have been examined and that material witnesses have been examined.

Having regard to the aforesaid facts and circumstances expecially bearing in mind the fact that the petitioner has been behind bars since the last more than two years and that the material witnesses are stated to have already been examined, in my opinion, no useful purpose will be served by detaining the petitioner behind bars any further. The petition, as

such, is accepted. The petitioner Jashanpreet Kaur is ordered to be released on bail on her furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

This present petition stands accepted accordingly.

19.12.2018

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No