

CRM-M-5183-2018

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

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Date of Decision: 16th February, 2018

Rajdeep Kaur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Gurjinder Singh Chahal, Advocate
for the petitioner.

Mr. Dhruv Dayal, Sr. DAG, Punjab.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court for grant of regular by filing this petition under Section 439 of the Code of Criminal Procedure, 1973, in FIR No.75, dated 01.05.2016, registered at Police Station Tanda, District Hoshiarpur, under Sections 302, 342, 120-B, 148 and 149 of the Indian Penal Code.

Counsel for the petitioner contends that the petitioner was arrested in this case on 01.05.2016 and since then, she is in custody. The allegations against the petitioner are that she is one of the persons, who has conspired for committing the murder of deceased Lovepreet Singh, with whom, she had gone out for two months and had returned to the house after

intervention and consultation with the relatives and the panchayat. She alongwith her in-laws had committed the offence. Counsel contends that the role attributed to the petitioner in the commission of offence of killing of Lovepreet Singh is limited to the extent that she had caught hold of his hairs and slapped him. His submission is that there are total 20 prosecution witnesses, out of which, not even one witness has been completely examined. He contends that the trial is not likely to conclude soon and since the petitioner is in custody for more than one and half year, no useful purpose would be served by keeping the petitioner in custody further as the trial is not proceeding.

Learned counsel for the State, on instructions from ASI Ram Partap, Police Station Tanda, District Hoshiarpur, could not dispute the assertions of the counsel for the petitioner,. He, however, states that the petitioner is the main cause of the whole episode and therefore, should not be granted the concession of bail.

Having considered the submissions made by the counsel for the parties and keeping in view the fact that the challan was presented in this case on 28.07.2016 and charge framed on 01.08.2016, but till date, except for the examination-in-chief of the complainant, no other witness has been examined nor has the cross-examination of the complainant been commenced, no useful purpose would be served by keeping the petitioner in custody further, who is a lady and has only been attributed to an act of holding the deceased Lovepreet Singh with his hairs and slapping him. In view of the said facts and circumstances of the case, without expressing any

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opinion on the merits of the case, this criminal miscellaneous petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

16th February, 2018
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No