

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

CRM M-6862 of 2018.

Date of Decision: 27.03.2018.

Ram Kaur

... Petitioner

Versus

State of Punjab

... Respondent

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

Present : Mr. I.P. Singh, Advocate,
for the petitioner.

Mr. Amit Mehta, Sr. DAG Punjab
assisted by ASI Sarabjit Singh.

JITENDRA CHAUHAN.J.(ORAL)

Custody certificate and reply filed today in the Court
are taken on record subject to all just exceptions.

This is second bail application filed under Section
439 Cr.P.C seeking bail in case FIR No. 115 dated 08.10.2016
registered under Sections 302 and 201 read with Section 34 IPC at
Police Station Anandpur Sahib, District Rupnagar.

Learned counsel for the petitioner contends that the
petitioner aged 72 years, is the mother-in-law of alleged deceased, dead
body of whom has still not been recovered. Vide order dated
17.08.2017 (Annexure P-3), this Court held the proposal of arrest of the
petitioner in abeyance till 04.09.2017. It is submitted that the petitioner
did not misuse the concession of bail grant by the Court vide order
dated 17.08.2017. It is further asserted that the marriage in question

happened in the year 1989. Two major sons of the alleged deceased were not joined in the investigation. The elder sister of the alleged deceased also married to other son of the petitioner who is now a widow but her version was also not recorded. The petitioner is in custody since 10.12.2016; till date, the dead body has not been recovered and only two witnesses out of 15 have been examined.

On the other hand, the learned State counsel submits that veil and sleeper of the deceased were found near the canal. On that strength, it is asserted that the deceased was thrown into the canal. However, he fairly admits that it was not on the basis of disclosure statement of any of the accused.

Heard.

In view of the fact that the dead body has not been recovered in the present FIR coupled with the fact that the explanation as to why the version of the sister of the deceased residing in the same family as well as the major sons of the deceased was not recorded; the fact that out of 15 prosecution witnesses only two have been examined and one of the co-accused, Pushpinder Kaur @ Bhollu has been admitted to bail vide order dated 10.01.2018 (Annexure P-5), this Court feels that these are the fresh circumstances in favour of the petitioner. Consequently, this petition is allowed. The petitioner be admitted to bail during the pendency of trial, on her furnishing bail bonds and surety bonds to the satisfaction of trial Court/duty Magistrate

concerned.

Anything said herein above shall not be construed as
an expression of opinion on the merits of the case.

27.03.2018.
SN

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes/No
Whether reportable :	Yes/No