

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

215

CRM-M-8526 of 2018

Date of decision: 23.03.2018

Parveeza Behgam

..Petitioner

Vs.

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Ms. Tanu Bedi, Advocate for the petitioner.

Mr. S.S. Sandhu, AAG, Punjab.

TEJINDER SINGH DHINDSA, J.(ORAL)

Petitioner seeks concession of regular bail filed under Section 439 Cr.P.C. in case FIR No.48, dated 09.04.2016, under Sections 302, 201, 120-B, 148, 149 IPC registered at Police Station Mehatpur, Jalandhar Rural, District Jalandhar.

Counsel for the parties have been heard.

Deceased in the present case is Makhsood Shah. Petitioner is wife of the deceased. FIR came to be registered on the statement of brother of the deceased namely Zaman Shah. Complainant asserted that his brother was in the business of selling clothes and on 04.04.2016, Makhsood Shah (since deceased) had gone on his motor cycle bearing registration No. PB-41A-9708 and had not returned. Missing report was lodged at Police Station Shahkot. Thereafter information having been received on 09.04.2016, a dead body was found in the pond of the village and which had been identified by the complainant and also Noor Hasan Khatana(co-accused) to

be that of Makhsood Shah.

It so transpires that during the course of investigation Manjit Singh S/o Major Singh, Abdul Rashid Shah and Amandeep Singh @Amna were arrested. Amandeep Singh @ Amna made a disclosure statement that he along with Manjit Singh had committed the murder of Makhsud Shah having received ₹ 40,000/- from Abdul Rashid Shah. Motive attributed is that co-accused Abdul Rashid Shah was in an illicit relationship with the wife of the deceased i.e. present petitioner.

Prosecution is also relying upon the confessional statement of co-accused Abdul Rashid Shah who stated that he was in relationship with the present petitioner and on account of the deceased having come in knowledge the offence was committed.

Petitioner was arrested on 11.05.2016.

The evidentiary value of the disclosure statement of co-accused Amandeep Singh @ Amna as also the confessional statement of Abdul Rashid Shah(co-accused) would be an aspect to be dealt with by the trial court.

The offence under Section 302 IPC as to whether made out against the present petitioner would be a question to be considered during the course of trial.

Court has been informed that out of 20 prosecution witnesses only two have been examined till date.

Trial would take time to conclude.

It is not the case made out on behalf of the State that concession of bail if granted to the petitioner, she would be in a position to hamper the course of a free and fair trial.

Without making any observation on merits, petitioner is held entitled to the benefit of bail.

Petition is allowed. Petitioner be enlarged on bail subject to satisfaction of the Trial Court/Duty Magistrate, concerned.

Disposed of.

March 23, 2018
Poonam (II)

(TEJINDER SINGH DHINDSA)
JUDGE

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