

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-3168 of 2019 (O&M)
Date of decision : February 28, 2019

Jaswinder Kaur

....Petitioner

versus

State of Punjab

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Vaibhav Narang, Advocate, for the petitioner

Mr. Saurav Khurana, DAG, Punjab, for the State

Mr. Ruhani Chadha, Advocate and
Mr. Rahul Bhargava, Advocate, for the complainant

Fateh Deep Singh, J. (Oral)

Mr. Ruhani Chadha, Advocate has appeared and filed power of attorney on behalf of the complainant to assist the State.

The allegations against petitioner Jaswinder Kaur in this second anticipatory bail application under Section 438 Cr.P.C., the earlier having been rendered infructuous in the light of orders of this Court dated 15.1.2019, Annexure P/9, are as follows:-

The marriage between accused non-applicant Parminder Singh and deceased Sandeep Kaur took place in the year 2016 and that during the

intervening night of 27/28-9-2016, it is alleged that a scuffle had taken place between the husband and the wife and as a consequence of which it is alleged that the husband has strangled the wife to death and thereafter took her to a hospital leading to the registration of the present case.

Mr. Vaibhav Narang, counsel for the petitioner inter-alia contends that petitioner Jaswinder Kaur happens to be the mother-in-law of the deceased and that there is no specific role attributed to her and that earlier the police had found her innocent and has placed reliance on Annexure P/9 and that now subsequently under Section 319 Cr.P.C. has been summoned as additional accused and nothing is to be recovered and no purpose will be served by sending her to custody.

Mr. Saurav Khurana learned State counsel assisted by Mr. Ruhani Chadha on behalf of the complainant though do not displace the factual scenario brought to the notice of the Court but has opposed the grant of bail on the grounds of seriousness of the offence.

Appreciating the submissions, as it may so, petitioner Jaswinder Kaur as per own stand of the prosecution has been found innocent during the course of investigations and has been subsequently summoned with the aid of Section 319 Cr.P.C. It would be traversity of justice to send the petitioner behind the bars. Thus, it is a fit case for grant of bail. Accordingly, the present petition is allowed. Petitioner is directed to appear before the trial court and be released on bail subject to its satisfaction.

The present petition stands disposed off accordingly.

The observations made herein above shall have no bearing on the merits of the case as these are purely for the disposal of the present bail application.

February 28, 2019

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(Fateh Deep Singh)
Judge

<i>Whether speaking/reasoned ?</i>	<i>Yes/No</i>
<i>Whether Reportable ?</i>	<i>Yes/No</i>