

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-3206 of 2019 (O&M)

Date of Decision: 20.03.2019

Sukhdev Kaur

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: Hon'ble Mr. Justice Shekher Dhawan.

Present: Mr. Balbir Kumar Saini, Advocate
for the petitioner(s).

Mr. Ajay Pal Singh Gill, Deputy Advocate
General, Punjab for the respondent.

Shekher Dhawan, J.

CRM-8490-2019

Application is allowed, as prayed for, subject to all just exceptions. Exemption is granted from filing the certified as well as typed copy of document (Annexure P3) and photocopy thereof is taken on record.

CRM-M-3206-2019

Present petition under Section 439 Cr.P.C. for seeking regular bail to the petitioner in case FIR No. 103 dated 16.12.2017, registered under Sections 302, 120-B & 34 IPC at Police Station Smalsar, District Moga.

Facts relevant for the purpose of decision of this petition that on 16.12.2017, Gurbachan Singh (since deceased) was found dead and smeared with blood on a watercourse. This fact was disclosed by Harnek Singh, Sarpanch, to complainant-Harjit Singh. On this, the complainant along with

Harnek Singh, Sarpanch and Malkiat Singh reached at the spot and at that

time, there were injury marks on the head, forehead, eyes and neck of deceased Gurbachan Singh. It was a case of having been attacked with some deadly weapons. Meanwhile, petitioner-Sukhdev Kaur, wife of Gurbachan Singh (since deceased), also reached there. As per complainant, petitioner was having illicit relations with one Jaswant Singh alias Pappu and his brother was killed by the said Jaswant Singh alias Pappu in connivance with his sister-in-law, namely Sukhdev Kaur .

Learned counsel for the petitioner contended that petitioner is in custody since 17.12.2017; she has been falsely implicated in the case at the instance of complainant, who is her brother-in-law (*Jeth*), to grab the property of her deceased husband-Gurbachan Singh and she is suffering from serious ailment as well. Learned counsel further contended that as trial of the case still takes more time, therefore, present petition be accepted and petitioner be released on regular bail.

Learned counsel for the respondent opposed the prayer for releasing the petitioner on regular bail on the ground that petitioner and her co-accused, namely Jaswant Singh alias Pappu had committed murder of Gurbachan Singh by causing injuries with deadly weapons and as such, no case is made out to grant the concession of regular bail to the petitioner.

Having heard the learned counsel for the parties and after taking into consideration the above facts that petitioner is facing trial for causing murder of Gurbachan Singh, which had taken place and there were injury marks on his head, forehead, eyes and neck and his body was smeared with blood. This Court is of the considered view that on the basis of investigation, petitioner and her co-accused, namely Jaswant Singh alias Pappu have been

arrayed as accused. As such, no ground is made out to release the petitioner on regular bail and present petition stands dismissed.

(Shekher Dhawan)
Judge

March 20, 2019
“DK”

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