

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

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**CRM-M No.3772 of 2019.
Date of Decision: 31.01.2019.**

Jaspreet Kaur and another

....Petitioners.

Versus

State of Punjab

....Respondent.

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Mr. Navjot Singh, Advocate for the petitioner.

Mr. Ajay Pal Singh Gill, Deputy Advocate General, Punjab.

Shekher Dhawan, J.

Present petition under Section 439 of the Criminal Procedure Code has been filed for grant of regular bail to petitioners Jaspreet Kaur alias Preeti and Gurcharan Singh in case F.I.R. No.150 dated 21.07.2018 under Sections 306, 120-B & 34 of the Indian Penal Code, registered at Police Station Garhshankar, District Hoshiarpur.

Learned counsel representing the petitioners contended that both the petitioners are in custody since 23.07.2018 and as per learned counsel, petitioner No.1 was wife of Surjit Kumar, deceased in this case. Both of them (petitioner No.1 and Surjit Kumar) entered into a written agreement i.e. divorce agreement on 23.04.2018 and they were living separately. Petitioner No.2 was living with petitioner No.1 after divorce agreement and thereafter, the unfortunate incident has taken place whereas the petitioners have no role.

Learned State counsel, while opposing the prayer for bail to the petitioners, contended that no case is made out for release of the petitioners on bail as material witnesses in this case are yet to be examined.

Having considered the submission made by learned counsel for the parties and the fact that the petitioners are in custody since 23.07.2018, as per divorce agreement dated 23.04.2018, Surjit Kumar and petitioner No.1-Jaspreet Kaur alias Preeti had been living separately and there was no injury mark on the body of the deceased as per medical report and the incident had taken place at 11:00 PM at the residence of the deceased. However, at this stage, without commenting anything on the merits of the case so that the same may not cause prejudice to the parties at the time of trial and having considered the fact that trial of the case still to take some more time and no useful purpose would be served by detaining the petitioners behind the bar any more, the present petition is allowed. Petitioners Jaspreet Kaur alias Preeti and Gurcharan Singh are ordered to be admitted to regular bail on their furnishing adequate bail bonds and surety bonds to the satisfaction of concerned learned trial Judge/ Chief Judicial Magistrate/ Duty Magistrate.

(SHEKHER DHAWAN)
JUDGE

31.01.2019
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Whether speaking/ reasoned : Yes/ No
Whether Reportable : Yes/ No