

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

208

CRM-M-7178-2019

Date of Decision : 10.04.2019

SARABJEET KAUR

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. P.S.Brar, Advocate
for the petitioner.

Mr. Harsimar Singh Sitta, AAG, Punjab.

MANOJ BAJAJ, J.(ORAL)

This petition under Section 439 Cr.P.C. has been filed by the petitioner-Sarabjeet Kaur for grant of regular bail in a case FIR No.84 dated 20.07.2018 for the offence punishable under Sections 302, 34 IPC and later on added Section 201 IPC, registered at Police Station Jaitu, District Faridkot.

The petitioner is in custody since her arrest on 20.07.2018. As per the version of the complainant namely Mohinder Singh, his son Jagsir Singh had gone along with Angrej Singh (cousin of Jagsir Singh) and left the house on 13.05.2018 and went along with him to Romana Albel Singh. On 14.05.2018 at about 8.30 a.m., the complainant received a message that the dead body of his son Jagsir Singh was lying at railway line. It is further

narrated that the dead body was identified by the complainant and the proceedings were carried under Section 174 Cr.P.C. by the railway police. However, the complainant had expressed his suspicion upon Angrej Singh regarding murder of his son on the ground that it was suspected by Angrej Singh that his wife Sarabjit Kaur (petitioner) had illicit relations with Jagsir Singh.

Learned counsel for the petitioner contends that the alleged occurrence took place on 14.05.2018 and during the inquest proceedings, no such allegation was made by the complainant. FIR was got recorded by the complainant after a gap of more than two months i.e. on 20.07.2018. It is further contended that the petitioner was pregnant at that time and it does not appeal to prudence that Angrej Singh would associate his wife in committing the alleged crime despite having a suspicion of illicit relations with his cousin Jagsir Singh.

According to him, the petitioner being a lady deserves the concession of bail particularly when the investigation in this case is complete.

Learned State counsel, on the other hand, has opposed the application on the ground that the offence is serious in nature. However, he has not disputed the fact that during inquest proceedings, no such allegation was levelled by the complainant. Also, an affidavit dated 09.04.2019 of Lalit Kumar Kohli, PPS, Deputy Superintendent, Central Jail, Faridkot, has been filed wherein it is mentioned that the petitioner delivered a baby on 28.02.2009 at Civil Hospital, Faridkot and a female medical officer is visiting every fortnight to check the baby's immunization etc. According to

him, the charges have been framed and the trial of the case is likely to take some more time.

Considering the above background, the stage of the trial and the fact that the petitioner is a lady, who has recently delivered a child cannot be deprived of attending her newly born baby particularly when the further custody of the petitioner is not required for any investigation etc. Resultantly, without commenting anything on the merits of the case, the petitioner is ordered to be released on bail, on her furnishing bail bonds and surety bonds, to the satisfaction of the Trial Court concerned.

The petition is allowed.

10.04.2019
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(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned: Yes/No

Whether Reportable : Yes/No