

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-32808-2019

Date of Decision:-26.09.2019.

Jasbir Kaur @ Nikki

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Prateek Sodhi, Advocate for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in FIR No.52 dated 30.04.2019 under Sections 302, 313, 201, 120-b IPC and Sections 107 and 120 IPC added later, registered at Police Station Sadar Batala, Gurdaspur.

Learned counsel for the petitioner argued that charge has been framed against the petitioner for Section 120-b IPC and her case falls in Section 120-b (ii) because by the time, she has allegedly been shown to have participated in the offence, the murder of Jasbir Kaur has already taken place. He referred to the General Diary Report No.22 (Annexure P-2) wherein it has been alleged that after murder of Jasbir Kaur, the neighbour Jasbir Kaur @ Nikki wife of Nirmal Singh (petitioner herein) who is the close relative of the deceased had come to their house as dead body was stinking and the accused did not know how to dispose of the dead body. That the alleged participation is at much later stage. However, the petitioner is in custody since 01.05.2019.

Learned State counsel on instructions from Sub Inspector Manohar

He further states that the complainant will be examined on 27.09.2019

I have heard the learned counsel for the parties and have gone through the record.

The contents of the General Diary Report does reflect that petitioner appeared on the scene of crime after the death of Jasbir Kaur (deceased). Incidentally name of the present petitioner is also Jasbir Kaur. Having regard to the provisions of Section 120-b IPC, this Court finds that the culpability of the petitioner is yet to be established.

Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on her furnishing adequate bail and surety bonds to the satisfaction of learned trial Court.

However, it is made clear that in case the petitioner influences the remaining prosecution witnesses in any manner directly or indirectly, the State shall be at liberty to seek cancellation of her bail.

The observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and the trial Court shall decide the case without being influenced with these observations in any manner.

(HARI PAL VERMA)
JUDGE

September 26, 2019.

sandeep

Whether speaking/reasoned:-

Whether Reportable:-

Yes / No

Yes / No.