

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-40578-2019 (O&M)
Date of decision: 25.11.2019

Balbir Kaur @ Baggo Shabi

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Ms. Zubin Chhura, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.51 dated 08.04.2019 under Section 304 IPC, registered at Police Station Mehatpur, District Jalandhar.

Learned counsel for the petitioner submits that as per allegations in the FIR, registered on the statement of Gurbachan Lal, his son namely Balwinder Kumar @ Lovely was a drug addict and he had gone to the house of petitioner Balbir Kaur @ Baggo Shabi for doing the labour work and did not return back in the night. It is further alleged in the FIR that the petitioner deals in the narcotic drugs and on the next day, Raja son of Balwant Singh and Jassa son of Boor Singh dropped his son at his house on the motorcycle of Raja and his son later on expired due to heavy dose of drug given by the accused persons. It is further submitted that complainant Gurbachan Lal appeared as PW1 before

the trial Court and he has not supported the prosecution version and stated that Balbir Kaur @ Baggo Shabi has not played any role in the death of his son. This witness has been declared hostile by the Public Prosecutor and in the cross-examination, he even denied his statement made before the police.

Learned counsel for the petitioner has further submitted that even PW2 Sarabjit Kaur @ Tamana, daughter of PW1 Gurbachan Lal and sister of deceased Balwinder Kumar has also not supported the prosecution version and she was also declared hostile. It is further submitted that the petitioner is in custody since 10.04.2019.

Learned State counsel has filed the custody certificate dated 24.11.2019 in the Court today. As per this custody certificate, the petitioner is involved in two more FIRs under the NDPS Act.

Without commenting anything on merits of the case, considering the allegations against the petitioner and the statements of PW1 and PW2, who have not supported the prosecution version, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing her bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

25.11.2019
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No