

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.216

CRM-M-47028-2018 (O&M)

Date of decision : 27.2.2019

Shaganpreet Kaur @ Shagan

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Puru Jarewal, Advocate, for the petitioner.

Mr. K.S. Sidhu, DAG, Punjab

SUDHIR MITTAL, J. (Oral)

The petitioner seeks regular bail in case FIR No.0064 dated 30.7.2018, registered at Police Station Mehta, District Amritsar, under Sections 302/201/120-B/34 IPC.

Short reply dated 26.2.2019 and short affidavit dated 27.2.2019, have been filed in Court by the learned State counsel in Court and the same are taken on record. Copies thereof have been supplied to counsel for the petitioner. According to the aforementioned reply/affidavit, there is no conclusive evidence that the petitioner was pregnant.

Learned State counsel submits that the eye-witness has already been examined.

Learned counsel for the petitioner submits that the petitioner has been in custody since 31.7.2018. The trial is not likely to be concluded at an early date as 09 more PWs remain to be examined. There is 01 other criminal case pending against the petitioner, but she has been granted regular bail therein. The FIR appears to be motivated as the same was got registered 1 ½ year after the date of the incident. Thus, she may be released on regular bail.

Learned State counsel opposes the prayer on the ground that the petitioner is accused of having murdered her mother-in-law. There is 01 other criminal case pending against the petitioner and thus, she may not be granted regular bail.

It cannot be denied that the FIR was got registered more than 01 year after the date of the death of mother-in-law of the petitioner. This creates a doubt regarding the credibility of version. Thus, keeping in view the custody period of the petitioner and the fact that the trial is not likely to be concluded at an early date, I deem it appropriate to allow this petition. Accordingly, the petition is allowed and petitioner-Shaganpreet Kaur @ Shagan, is ordered to be released on bail on her furnishing bail and surety bonds to the satisfaction of the trial Court concerned.

(SUDHIR MITTAL)
JUDGE

27.2.2019
Ramandeep Singh

Whether speaking / reasoned
Whether Reportable

Yes / No
Yes/ No