

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

**CRM-M No.13846 of 2020
Date of decision:01.07.2020**

Rajwinder Kaur

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Amit Jaiswal, Advocate for the petitioner.

Mr.Randhir Thind, DAG, Punjab.

SUVIR SEHGAL J. (ORAL)

The Court has been convened through video conferencing due to Covid-19 pandemic.

Petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No.126, dated 02.07.2018 registered under Sections 307/34 of IPC (learned ASJ Patiala framed charge under Section 302 IPC vide order dated 15.05.2019) at Police Station Sadar Patiala.

Learned counsel for the petitioner has submitted that the petitioner is behind bars since 19.07.2018. His argument is that Bhagat Singh, deceased, who was the husband of the petitioner, had in a fit of rage poured kerosene oil upon himself and set himself on fire. He was referred to the Government Medical College and Hospital, Sector 32, Chandigarh where he expired on 05.07.2018. Counsel for the petitioner has further submitted that the petitioner has a six years old child. There is no one to take care of the child as the petitioner is behind the bars for

the last almost two years.

Learned State counsel has opposed the prayer and upon instructions of ASI Prem Chand has submitted that in his dying declaration the deceased had named the petitioner as well as his, father-in-law and brother-in-law. Upon the death of the Bhagat Singh, Section 302 IPC was added in the FIR. Subsequently, investigation was constituted and challan was filed under Section 306 IPC. The charge was framed on 15.10.2019 under Section 302 IPC and till now 2 prosecution witnesses out of 31 prosecution witnesses have been examined.

Heard.

Considering the fact that the accused is in custody for the last about 2 years and the trial is likely to take sometime to conclude, no useful purpose will be served by keeping the petitioner behind bars any further. Without commenting anything on the merits of the case, the petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate.

01.07.2020

pooja saini

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No