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

**CRM-M-14847-2020
Date of Decision: 07.09.2020**

Subhagi Devi

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Ravinder Bangar, Advocate,
for the petitioner.

Mr. Randhir Thind, DAG, Punjab.

SUDIP AHLUWALIA, J. (ORAL)

This is a petition for regular bail filed under Section 439 Cr.P.C. on behalf of the petitioner in case FIR No.57 dated 05.05.2019, under Sections 302, 201 and 120-B (added later) of the IPC, registered at Police Station Basti Jodhewal, Ludhiana.

[2]. The petitioner has remained in detention since 08.05.2019.

[3]. It is submitted on behalf of the petitioner that her name was not mentioned as an accused in the initial FIR but she was subsequently implicated as being one of the conspirators to the murder of deceased Anjali, who was her daughter-in-law.

[4]. On 26.06.2020, a Co-ordinate Bench of this Court had called for the status report, including the status of the petitioner's grand-daughter, who was stated to be in prison with the petitioner. Such status report by way of Affidavit of the Assistant Commissioner of Police (North), Ludhiana has since been received, in which, it has been conceded that the petitioner's

minor grand-daughter, who is just over 2 years by now, is actually residing with the petitioner, who is presently incarcerated in Central Jail, Pathankot.

[5]. It transpires that the challan against the petitioner was presented more than 1 year ago on 20.07.2019 and charges were also framed on 30.10.2019, but evidence from the prosecution side could not commence so far.

[6]. Clearly in view of the ongoing Covid-19 Pandemic, there is a little chance of the trial getting completed in any reasonably short period of time. As such, considering that the petitioner is a woman and has to look after a minor child, who has been compelled to get remained incarcerated being in petitioner's custody in the Jail premises, this Court is not inclined to detain her any further at this stage. It is, however, clarified that this view is being taken purely on humanitarian considerations, considering the welfare of the minor baby female child, who is constrained to be confined in the Jail, and shall not create any kind of equity in favour of the other co-accused persons in the case.

[7]. With the above observations, the petitioner is ordered to be released on regular bail subject to appropriate terms and conditions to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

[8]. Disposed off.

07.09.2020

Bhumika

**(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/reasoned: Yes/No

2. Whether reportable: Yes/No