

CRM-M-20767 of 2020

Date of Decision: 30.07.2020

Raj Rani

.....Petitioner

Vs.

The State of Punjab

....Respondent

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present: Mr.Ravneet Singh Joshi, Advocate
for the petitioner.
Mr.Hitan Nehra, Addl.A.G., Punjab.

AMOL RATTAN SINGH, J. (Oral)

All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the Covid-19 pandemic.

By this petition, the petitioner seeks the concession of 'regular bail' under the provisions of Section 439 Cr.P.C., upon FIR No.115, dated 12.09.2017, having been registered at Police Station Julkan, District Patiala, alleging therein the commission of offences punishable under Sections 302, 323, 148 and 149 of the IPC.

Learned counsel for the petitioner submits that though this is the second petition filed by the petitioner seeking to be bailed out in the aforementioned case, the first petition, i.e. CRM-M No. 12139 of 2018, was withdrawn on 18.04.2018 (with obviously this court not having agreed with the contentions of learned counsel at that stage).

He however submits that thereafter, more than 2 years and 3 months have gone by, with the petitioner being in custody and now even an application under the provisions of Section 319 of the Cr.P.C has been allowed, by the trial court, with therefore the trial to virtually start *de novo*.

He further submits that two other co-accused of the petitioner, i.e. Paramjit Kaur and Manjit Kaur @ Manju, have been admitted to bail by this court (one of them by this very Bench) in year 2018, itself, vide the orders Annexures P-3 and P-4.

Mr.Joshi further submits that in fact whether or not the deceased died due to the alleged beatings inflicted by the petitioner and her co-accused, is also doubtful, with the doctor having opined that the deceased could have died due to a heart disease.

Mr.Hitan Nehra, Addl.A.G., Punjab, on the other hand submits that the petitioner being the lady who, alongwith her husband, has been attributed to the prime role in the death of the deceased, she does not deserve the concession of bail.

He further submits that as regards the opinion of the doctor, in fact the post mortem report states to the contrary.

Having considered the matter, without going into the merits of the what has been contended as regards the cause of death of the deceased, simply keeping in view the fact that the petitioner being in custody now for almost 3 years, with an application filed under the provisions of Section 319 of the Cr.P.C. also having been allowed by the trial court, this petition is allowed, with the petitioner ordered to be admitted to bail, upon her furnishing adequate bail and surety bonds to the satisfaction of the CJM /Duty Magistrate concerned.

July 30, 2020

dharamvir

**(AMOL RATTAN SINGH)
JUDGE**

Whether speaking/reasoned : YES
Whether Reportable : NO