

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

CRM-M-No.24868 of 2020

Date of Decision: 03.09.2020

Amarjit Kaur @ Amarjeet Kaur

Petitioner

Versus

State of Punjab

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. G.S. Aulakh, Advocate
for the petitioner.

Mr. Randhir Thind, DAG Punjab.

AVNEESH JHINGAN, J (Oral):

The matter is taken up for hearing through video conference due to COVID-19 situation.

The present petition is filed against order dated 19.06.2020 whereby bail is denied by the Sessions Judge, Sri Muktsar Sahib in case FIR No. 110 dated 13.10.2018, under Sections 302/346 read with Section 34 IPC, Police Station Kotbhai.

The brief facts are that FIR was registered under Section 346 IPC on the statement of Wazir Singh son of Chand Singh. It was stated that nephew Gurbhej Singh had gone to Gurudwara Sahib and had not returned. During the investigation, the body of Gurbhej Singh was recovered from Canal and Section 302 was added later. Post-mortem was conducted and chemical examination was done. There is an allegation that there was an extra judicial confession made before Swaran Singh by the accused and

that Resham Singh was an eye witness.

Learned counsel for the petitioner relies upon the medical report wherein it has been stated that there is no definite opinion regarding cause of death. He submits that the alleged eye witness Resham Singh and Swaran Singh have been examined and they have turned hostile.

Learned counsel for the State opposes the prayer for grant of bail and states that the custody is only 1 years 10 months and 6 days and that only 6 prosecution witnesses have been examined out of total 17.

A case is made out for grant of concession of bail. *Prima-facie*, considering the medical report and the statements of Resham Singh and Swaran Singh, without deliberating further on the said aspect as it would sway the trial, the bail is granted to the petitioner subject to furnishing bail bonds to the satisfaction of the Trial Court.

However, it is clarified that nothing stated hereinabove shall be construed as an opinion on the merits of the case.

[AVNEESH JHINGAN]
JUDGE

03.09.2020
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| 1. Whether speaking/ reasoned | : | Yes |
| 2. Whether reportable | : | Yes |