

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

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**CRM-M-29806-2020(O&M)
Date of Order:01.10.2020**

Baljit Kaur

..Petitioner

Versus

State of Punjab

..Respondent

CRM-M-29810-2020(O&M)

Sukhwinder Singh

..Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Impinder Singh Dhaliwal Advocate,
for the petitioner (in CRM-M-29806-2020)

Mr. Ranbir Singh Sekhon, Advocate,
for the petitioner (in CRM-M-29810-2020).

Ms. Samina Dhir, DAG, Punjab.

ANIL KSHETARPAL, J(Oral)

The hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

By this order CRM-M-29806-2020 and CRM-M-29810-2020 filed by Baljit Kaur and Sukhwinder Singh for grant of bail pending trial in a criminal case arising from FIR No.102, dated 05.08.2019, registered under Section 302/201/34 IPC, at Police Station Makhu, District Ferozepur, shall stand disposed of.

The bail application of a co-accused Ranjit Singh @ Thind was allowed by this Court on 11.09.2020 in CRM-M-25830 of 2020, with the following order:-

“On 08.09.2020, the following order was passed by this Court:

“The petitioner prays for grant of bail pending trial in a criminal case arising from FIR No.102 dated 5.8.2019, registered under Section 302, 201, 34 IPC at Police Station Makhu, District Ferozepur.

As per the case of the prosecution, Smt. Baljeet Kaur alongwith her paramour and another Sukhwinder Singh, has murdered first informant's father. The first informant is daughter of Smt. Baljeet Kaur.

Learned counsel for the petitioner contends that the corpus of the alleged deceased - Sarwan Singh has never been recovered. He further submits that there is no admissible evidence against the petitioner.

On the other hand, learned counsel for the State prays for some time to seek instructions.

Adjourned to 11.9.2020”.

Ms. Monika Jalota, Deputy Advocate General, Punjab, on instructions of Sub Inspector Lal Singh, has admitted that the corpse of the alleged deceased Sarwan Singh has not been recovered. On a pointed Court question, she admitted that but for the statement of the first informant to the effect that her mother has killed her father with the help of the other accused, there is no further evidence to support thereof. She further submitted that as far as the substantive evidence of the prosecution is concerned, the prosecution has only the statement of the first informant. The petitioner is in detention for a period of more than 1 year and 1 month approximately.

Ms. Monika Jalota, Deputy Advocate General, Punjab, on the instructions, has admitted that the petitioner does not have any criminal antecedents.

Keeping in view the aforesaid facts and without commenting on the merits of the case, this Court considers it appropriate that further incarceration of the of the petitioner, at this stage, shall not be justified. The petitioner has also suffered enough detention pending trial. The conclusion of the trial is likely to consume a lot of time as only one prosecution witness has been examined whereas the second witness was partially examined when, due to the spread of the novel corona virus, the normal working of the Courts became difficult.

In view of the above, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the learned trial Court/Chief Judicial Magistrate/Duty Magistrate.”

Both the petitioners are in custody since 08.08.2019.

Ms. Samina Dhir, Deputy Advocate General, Punjab, on instructions from ASI Ram Dutt, has submitted that none of the petitioner is the person with criminal antecedents.

The conclusion of the trial is likely to take time.

Without commenting on the merits of the case and keeping in view the fact that the petitioners are in custody since 08.08.2019 and conclusion of the trial is likely to take time, they are directed to be released on regular bail subject to furnishing of adequate surety to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, concerned.

Accordingly, the present petition is allowed with the aforesaid directions.

October 01, 2020
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No