

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No.30281 of 2020

Date of Decision: 12.10.2020

Pushpinder Kaur

... Petitioner

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. G.B.S. Dhillon, Advocate,
for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

Mr. Rajdeep Singh, Advocate,
for the complainant.

SUDIP AHLUWALIA, J.

1. This is a petition for regular bail filed under Section 439 of the Code of Criminal Procedure on behalf of the petitioner, in case FIR No.150 dated 04.10.2019 under Sections 302, 34, 120-B, 201 of IPC, registered at Police Station Sadar Ludhiana, District Ludhiana.

2. Learned counsel for the complainant has sent, by e-mail, a copy of the application moved on behalf of his client before the learned Ilqa/Duty Magistrate, Ludhiana on 09.09.2020, in which a direction was sought for upon the SHO, PS, Sadar Ludhiana and to place the audio clippings and transcripts on the record. Copy of the order passed by the learned JMIC on 07.10.2020, has been separately sent up, from which, it transpires that an order was passed on the aforesaid application of the complainant, and it was directed that transcripts would be prepared from the

Pendrive annexed along with the Challan, in open Court. This clearly

reveals that the concerned photographs and transcripts were not a part of the Challan Papers/Police Report submitted before the Court. Specifically for this reason co-accused Jaspreet Singh @ Jass was granted regular bail by this Court in CRM-M-14497 of 2020 on 10.08.2020.

3. Thereafter, a Coordinate Bench of this Court has similarly granted regular bail to co-accused Rajesh Kumar @ Joney in CRM-M-24782 of 2020 on 18.09.2020 after having taken note of the fact that there is no Forensic proof of the fact that the death of the victim was unnatural or caused in any manner by the accused, and also in view of the fact that there was a delay of two months in the registration of FIR after the deceased was cremated in the presence of his own parents and brother.

4. In these circumstances, without commenting any further on the merits of the present case as a whole, but in view of the long detention undergone for almost an year since 20.10.2019, the petitioner who is a woman, and stands on a similar footing with the co-accused persons, who have been granted regular bail, and also in view of the fact that the trial is likely to take its own considerable time due to ongoing Covid-19 Pandemic, the prayer of the petitioner for her release on regular bail is allowed and she is ordered to be released on bail subject to appropriate terms and conditions to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

5. It is, however, left open to the State/complainant to seek cancellation of the bail thus granted to the accused persons in the present case, if tangible material showing the culpability of any of them comes on record as a consequence of the exercise of transcriptions as already directed to be done by the learned JMIC.

6. Disposed off.

12.10.2020
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(SUDIP AHLUWALIA)
JUDGE

Whether speaking/reasoned Yes/No

Whether reportable Yes/No