

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

CRM-M-31542-2020(O&M)

Date of decision: 13.10.2020

Kiranjeet Kaur

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr.Hitesh Verma, Advocate for the petitioner

Ms. Samina Dhir, DAG, Punjab

ANIL KSHETARPAL, J. (ORAL)

The petitioner prays for bail pending trial in a criminal case arising from FIR No.182 dated 14.9.2018 registered under Section 302/34 IPC at Police Station Nathana, District Bathinda.

At the outset, it must be noticed that Ram Singh @ Ram Baba, a co-accused was granted bail by this Court with the following order passed on 7.11.2019:-

“Petitioner prays for grant of regular bail in FIR No.182 dated 14.9.2018 registered under Sections 302, 34 IPC at Police Station Nathana, District Bathinda.

As per the case of the prosecution, Hakam Singh-deceased has been murdered. There is no eye witness. The case of the prosecution is based on circumstantial evidence. In the FIR it has been claimed that three persons including the petitioner had taken a loan from the deceased by mortgaging a chain of gold and for that reason the deceased has been killed.

Learned counsel for the petitioner has read over the deposition of first informant in the Court.

Petitioner is in custody since 16.9.2018. Conclusion

of the trial is likely to take some time. As per the information supplied, petitioner is not involved in any other case.

Learned State counsel submits that prosecution has already examined 6 witnesses out of total 15 witnesses proposed to be examined.

Without commenting on the merits of the case and keeping in view the aforesaid facts, it is considered appropriate to release the petitioner on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

Accordingly, present petition stands allowed.”

Thereafter, Sukhpal Kaur, another co-accused and the petitioner’s mother was granted bail on 3.9.2020 with the following order:-

“The petitioner, a woman, prays for bail pending trial in a criminal case arising from FIR No.182 dated 14.09.2018 registered under Sections 302/34 of the Indian Penal Code, 1860 at Police Station Nathana, District Bathinda.

At the outset, it may be noted that the co-accused of the petitioner had been granted bail in CRM-M-44063-2019 on 07.11.2019 with the following order:-

“Petitioner prays for grant of regular bail in FIR No.182 dated 14.9.2018 registered under Sections 302, 34 IPC at Police Station Nathana, District Bathinda.

As per the case of the prosecution, Hakam Singh deceased has been murdered. There is no eye witness. The case of the prosecution is based on circumstantial evidence.

In the FIR it has been claimed that three persons including the petitioner had taken a loan from the deceased by mortgaging a chain of gold and for that reason the deceased has been killed.

Learned counsel for the petitioner has read over the deposition of first informant in the Court.

Petitioner is in custody since 16.9.2018. Conclusion of the trial is likely to take some time. As per the information supplied, petitioner is not involved in any other case.

Learned State counsel submits that prosecution has already examined 6 witnesses out of total 15 witnesses proposed to be examined.

Without commenting on the merits of the case and keeping in view the aforesaid facts, it is considered appropriate to release the petitioner on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

Accordingly, present petition stands allowed.”

It is contended by the learned counsel for the petitioner that the petitioner is alleged to be standing outside the house of the deceased when the alleged murder was committed.

Keeping in view the fact that the petitioner is in custody for nearly about 2 years and the conclusion of the trial is likely to take time, it is considered appropriate to direct release of the petitioner on bail on furnishing bail bonds/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

Accordingly, the present petition is allowed.”

Learned counsel for the petitioner contends that the case of the petitioner is on a better footing when compared with the case of 2 accused who have been granted bail. He further while referring to the statement of Sandeep Singh -PW6 has submitted that there is no forensic evidence against the petitioner showing his involvement. He further contends that the petitioner is in custody for a period of more than 2 years.

On the other hand, Ms. Samina Dhir, DAG, Punjab has opposed the prayer by contending that the petitioner is involved in a heinous crime.

This Court has considered the submissions and perused the paper book. Ms. Samina Dhir, DAG, Punjab on instructions from ASI Gurdev Singh has admitted that the petitioner is not a person with

criminal antecedents.

The conclusion of the trial is likely to take time. The petitioner has already undergone incarceration for a period of more than 2 years.

Keeping in view the aforesaid facts and without commenting on the merits of the case, the petitioner is directed to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

Accordingly, the present petition is allowed.

13.10.2020
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No