

**(212) IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-37216-2020

Date of Decision: 16.11.2020

Paramjit Kaur @ Preeti

... Petitioner

Vs.

State of Punjab

... Respondent

(Through Video Conferencing)

CORAM : HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. S.S. Majithia, Advocate
for the petitioner.

Mr. Luvinder Sofat, A.A.G. Punjab.

JASGURPREET SINGH PURI, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.0089 dated 12.07.2019 registered under Sections 304, 34 of IPC at Police Station Majitha Road, District Police Commissionerate Amritsar.

Facts are that FIR in question was registered on the basis of information given by the complainant namely Jagtar Singh son of S. Kartar Singh stating that his son namely Inderjit Singh @ Gori aged about 30 years used to work as a labourer and used to occasionally drink. On 11.07.2019 at about 8.00 P.M, when his son came to him, stated that he felt like smoking a cigarette and asked for money to which he gave him 20 rupees. Thereafter, when he did not return back home till 9.00 P.M, they started looking out for him but they could not trace him. Thereafter, nephew of the complainant namely Gagan met him near the residence of Ram Lubhaya from whom the complainant enquired about the whereabouts of Inderjit Singh who then told him that Inderjit Singh is at the residence of Ram Lubhaya upon which the complainant called out the name of his son and his son and the wife of Ram

Lubhayan namely Preeti came out upon which the complainant asked his son to go back home who then said he will come back in a while, you may go home and then the complainant came back home. On 12.07.2019, the brother-in-law of the son of the complainant namely Harpreet Singh and the son-in-law of complainant's brother namely Ravi told him that the wife of Ram Lubhaya namely Preeti and an eunuch were seen picking up Inderjit Singh @ Gori from the house of Ram Lubhaya and dumping him outside upon which they picked up Inderjit @ Gori from outside the gate of the residence of Ram Lubhaya and carried him to Hospital Amritsar for treatment where he was declared brought dead.

Learned counsel for the petitioner submitted that the deceased was a drug addict and even as per the contents of the FIR itself, the complainant had stated that he used to drink and on the day when he left the home, he had asked for a cigarette. Learned counsel for the petitioner submitted that the deceased used to take drugs and that is why the deceased died due to over dose of the drug. Learned counsel for the petitioner further pointed out to the medico legal report Annexure P-2 in which it is stated that cause of death was probably due to Morphine poisoning. He further pointed out to Annexure P-3 which is an affidavit given by number of residents of the village wherein it is mentioned that the deceased was habitual of drug consumption and various criminal cases were registered against him. Reliance is also placed on Annexure P-4 which is an FIR No.792 dated 18.12.2016 registered against the deceased under Sections 379 and 411 IPC wherein allegations of theft of various item were mentioned.

Learned counsel for the petitioner further submitted that in the

present case, charges have been framed on 18.03.2020 and the petitioner is in custody for about last 17 months. He further submits that now the case before the trial Court is fixed for prosecution evidence and the same is not being carried out due to COVID-19 in the State of Punjab.

Learned counsel for the petitioner has pointed out that the petitioner is not involved in any other case and she being a lady is unnecessarily kept in jail for more than a year, therefore, he prayed for grant of regular bail to the petitioner.

Per contra, learned State counsel while opposing the bail application has submitted that it is correct that the petitioner is in custody since July 2019 and it is also stated that the charges have also been framed on 18.03.2020. Learned State counsel also submitted that it is also correct that there is no case against the petitioner and that the case is now fixed for prosecution evidence and no prosecution witness has been examined till date.

Learned State counsel submitted that although it was a case of circumstantial evidence but there is also extra judicial confession of petitioner made before Balkar Singh that both the petitioner and her companion Kinner Sunny had killed the deceased. Therefore, he prayed that this petition for regular bail may be dismissed.

I have heard learned counsel for the parties. The custody period as well as the fact that after framing of charges on 18.3.2020, no prosecution witness has been examined has not been disputed by State counsel. It is also not disputed by the learned State counsel that the petitioner is not involved in any other case. The allegations against the petitioner that dead body of the deceased was recovered from her house

which was taken to the hospital would be a circumstance which can be decided at the time of the trial. Insofar as the consideration for the grant of bail, at present, is concerned, both the learned counsel for the parties stated that the case is based upon circumstantial evidence. The medical report which indicates that cause of death in this case is probably due to Morphine poisoning would also be a relevant factor and it is also argued by the learned counsel for the petitioner that the deceased was a drug addict. It is also not in dispute that the petitioner is not involved in any other case.

Therefore, considering the totality of facts and circumstances of the present case, I am of the considered view that it is a fit case for grant of regular bail. Hence, the present petition is allowed and it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

However, anything observed here-in-above shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

**(JASGURPREET SINGH PURI)
JUDGE**

16.11.2020
rajeev

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No