

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

CRM-M No.36348 of 2019

Date of decision: 21st May, 2020

Jaswinder Kaur

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Deepak Aggarwal, Advocate for the petitioner.

Mr. H.S. Grewal, Addl. Advocate General, Punjab
for the respondent/State.

FATEH DEEP SINGH, J. (ORAL)

The matter has been taken up through video-conferencing on account of lockdown due to outbreak of pandemic COVID-19.

Petitioner Jaswinder Kaur mother-in-law has moved this second regular bail application under Section 439 Cr.P.C. (the first one having been dismissed as withdrawn on 13.03.2019) in case bearing FIR No.89 dated 22.04.2018 under Sections 307/326-A/498-A/302 IPC pertaining to Police Station Nathana, District Bathinda got registered on the statement of Simarjeet Kaur (deceased) made before Judicial Magistrate while admitted in the hospital. The complainant alleges that she was married with accused non-applicant Amrik Singh, son of the present petitioner, on 29.10.2006 out of which the couple had children, but there remained matrimonial disputes between them on account of which the respectables had intervened. The complainant alleges that on the day of occurrence i.e. 22.04.2018 while the mother-in-law had gone

out the husband accused non-applicant Amrik Singh after quarreling with the wife poured petrol on her and set her on fire as a consequence of which she died after one week of the occurrence.

Learned counsel for the petitioner Mr. Deepak Aggarwal, Advocate inter alia contends that the petitioner is behind bars for more than two years and in the stand of the deceased in her dying declaration she exonerates the petitioner of having participated in the occurrence and only vague allegations of instigation have come up.

On behalf of the State, Mr. H.S. Grewal, Addl. Advocate General, Punjab though has not displaced the facts but has strongly opposed the grant of bail claiming that there are specific allegations against the petitioner in commission of the offence and that the trial is underway.

Going through the submissions of the two sides and perusal of the records, keeping in view the period of detention the petitioner has undergone, the fact that as per the own dying declaration of the deceased the petitioner was away from home when the occurrence has taken place. More so, to the very specific query of the Court, learned State counsel could not pin point what specific allegation has come about against the petitioner and the manner of having instigated the co-accused. In the light of the same and the fact that trial is not likely to conclude in the near future, this Court is of the opinion that being a old lady no useful purpose will be served by further detention of the petitioner in the present case.

Accordingly, she is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Bathinda. However, it is made clear that anything observed herein shall not be construed as an expression on the merits of the case.

The petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

May 21, 2020
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No