

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

CRM M-41878 of 2019

Date of Decision : December 16, 2020

Malkiat Kaur Sidhu @ Malkit Kaur Sidhu

...Petitioner

VERSUS

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. P.S. Brar, Advocate
for the petitioner.

Mr. J.S. Ghuman, DAG, Punjab.

FATEH DEEP SINGH, J.

Petitioner Malkiat Kaur Sidhu @ Malkit Kaur Sidhu has moved this first regular bail application under Section 439 of Cr.P.C. in FIR No. 48 dated 09.06.2000 under Sections 302, 307, 364, 148, 149, 120-B IPC and Section 25 of Arms Act 1959 registered at Police Station Amargarh, District Sangrur.

The allegations against the petitioner have been levelled by Sukhwinder Singh the complainant who alleged that he entered into love marriage with one Jaswinder Kaur @ Jassi (since deceased) on 15.04.1999 against the wishes of the girl's parents who all are residents of

Canada and had come to India on a vacation. It is alleged that on 08.06.2000 around 09.30 p.m. while the complainant and Jaswinder Kaur deceased were coming on scooter, one Maruti Car accosted them near the bridge of the drain. Out of the car four armed persons alighted and attacked the scooterists. Jaswinder Kaur died as a consequence of these injuries whereas the complainant was hospitalized. The allegations against the petitioner who happens to be the mother of Jaswinder Kaur is that perturbed over the solemnization of marriage between the complainant and daughter of the petitioner, the latter in connivance with her co-accused Hardev Singh @ Mintu had hatched a conspiracy to eliminate the couple and paid Rs.5,00,000/- to the contract killers.

Shri P. S. Brar learned counsel for the petitioner *inter alia* contends that the petitioner had remained behind the bars for more than 07 years and 08 months from the date of her extradition proceedings till date and the fact that on account of Covid 19 there is every likelihood the trial may be prolonged and prayed for grant of bail.

Mr. J.S. Ghuman learned State counsel has strongly opposed the bail on the grounds that the petitioner is resident of Canada and if allowed bail she might abscond and also influence the witness, thus, jeopardising the interest of the State.

Going through the submissions, it is not displaced by the two sides that the petitioner is a aged lady and had undergone incarceration of more than 07 years and 08 months. The only allegations against the petitioner are that being mother had been instrumental in the attack leading to death of one of the persons and injuries of others.

The submissions of the two sides if preventive custody for extradition can be taken as judicial custody is subject matter to be adjudicated at the appropriate stage of the proceedings. More so, in view of pandemic, there is every likelihood that the trial might be prolonged. In the light of substantial detention already undergone by the petitioner keeping in view her age and that she is a lady impels this court to allow the present petition subject to his furnishing of bail bonds and surety bonds in the sum of Rs.20,00,000/- with two local sureties to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned with further conditions that she will surrender her passport if already not taken into custody by the police. She will give an undertaking that she will not leave the country without orders of the Court and would be regularly appearing each and every date of hearing before the Court.

However, it is made clear that anything observed herein shall not be construed as an expression on the merits of the case.

Disposed off.

December 16, 2020

(FATEH DEEP SINGH)

amit rana

JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No