

CRM-M-257 of 2021

Date of Decision: 12.01.2021

Kulwinder Kaur

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Sandeep Verma, Advocate,
for the petitioner.

Mr. Sandeep Kumar, D.A.G., Punjab.

AMOL RATTAN SINGH, J. (ORAL)

Case heard by video conferencing.

This petition has been filed under the provisions of Section 439 of the Cr.P.C. seeking 'regular bail' for the petitioner in case FIR no. 271 dated 22.09.2017, registered at Police Station Sadar Ferozepur, District Ferozepur, for the alleged commission of offences punishable under Sections 364/302/404/201/120-B/148/149 of the IPC.

Learned counsel for the petitioner submits that three co-accused of the petitioner have already been admitted to bail, the first, i.e. Tersem Singh by a co-ordinate Bench on 01.08.2018 (upon him having filed CRM-M-9996-2018), and the other two by this very Bench, vide orders passed on 13.08.2020 (in the case of Gurpreet Singh @ Gopi, and on 09.09.2020 in the case of case of Kartar Singh, essentially on the ground that they had undergone almost three years of actual custody with a large number of prosecution witnesses still not having been examined.

It is to be noticed that it has been observed in those cases that 03 prosecution witnesses out of 27 had been examined, with learned State counsel,

on instructions from ASI Narinder Singh, submitting today that the

position is no different as regards the stage of the trial, with the case having come up before the trial court again today. Learned counsel for the petitioner also submits that no prosecution witness was examined.

On query to learned State counsel, he submits that as per the custody certificate dated 11.01.2021, the petitioner has now been in custody for 03 years, 03 months and 10 days.

That being so, and keeping in view the orders passed in the cases of co-accused, and more importantly the period of custody of the petitioner and the stage of the trial, without making any comment on the actual merits of the case, the petition is allowed. The petitioner shall be admitted to bail upon her furnishing adequate bail bonds and surety bonds to the satisfaction of the learned trial court/Chief Judicial Magistrate/Duty Magistrate concerned.

January 12, 2021
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No.