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

**CRM-M-36000-2020**

**Date of Decision: 19.04.2021**

**Balwinder Kaur**

**.....Petitioner**

**Vs.**

**State of Punjab**

**.....Respondent**

**210-A**

**CRM-M-8350-2021**

**Amarjit Singh @ Amar**

**...Petitioner**

**vs.**

**State of Punjab**

**...Respondent**

**CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH**

Present: Mr. Baltej Singh Sidhu, Advocate,  
for the petitioner (in CRM-M-8350-2021).

Mr. Mohd. Salim, Advocate,  
for the petitioner (in CRM-M-36000-2020).

Mr. Sandeep Singh Deol, D.A.G., Punjab.

Mr. Gopal Singh Nahel, Advocate,  
for the complainant.

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**AMOL RATTAN SINGH, J. (ORAL)**

Case heard via video conferencing.

These two petitions have been filed under the provisions of Section 439 Cr.P.C., for grant of 'regular bail' to the petitioners, in the context of FIR No. 124 dated 10.06.2020, registered at Police Station Sadar, Sangrur, for the alleged commission of offences punishable under the provisions of Sections 302/201/460/34 of the IPC.

**CRM-M-8350-2021**

Mr. Sidhu, learned counsel appearing for the petitioner in this case, i.e. Amarjit Singh @ Amar, submits that the petitioner is neither a beneficiary of the land or property of the deceased and though, as per the FIR, he is alleged to have been an active participant in the murder of the deceased, however subsequently, in the additional statement allegedly made by Gurpreet Singh son of Jagroop Singh (grand-son of the deceased), he was stated to be only standing at the doorway when the deceased was being inflicted injuries by the other accused.

Mr. Nahel, learned counsel for the complainant, submits that the petitioner being an active participant in the commission of the offence as per the FIR and even as per the aforesaid confessional statement, he was obviously standing on guard at the gate to warn those who were actually attacking the deceased, his complicity in the matter is in no way less than the other accused.

Learned counsel for the petitioner counters by saying that the occurrence having admittedly taken place at night, as a matter of fact there would be no need for any person to stand watch at the door.

He further submits that the petitioner being a 22 year old youth, having been in custody for more than 10 months now and with there being no other criminal case registered against him and, to repeat, he not being a beneficiary of the property of the deceased, he deserves to be admitted to bail.

Learned counsel for the State also reiterates what learned counsel for the complainant has submitted and further submits that in the aforesaid circumstances the petitioner does not deserve to be admitted to

bail.

Having considered the matter, though of course the complicity of the petitioner cannot be ruled out even if he was found to be standing at the gate, which would be seen by evidence led before the trial court, however in the entire circumstances of the case, this petition is allowed. The petitioner shall be admitted to bail upon his furnishing adequate bail bonds and surety bonds to the satisfaction of the learned trial court/Chief Judicial Magistrate/Duty Magistrate concerned.

It is made absolutely clear that admitting the petitioner to bail, naturally, does not reflect the opinion of this court on the actual merits of the case, for or against the petitioner, which would be a matter of evidence led before the trial court.

**CRM-M-36000-2020**

Learned counsel for the petitioner in this case submits that the only evidence against the petitioner is an alleged disclosure statement made by a co-accused which is not admissible in evidence, and consequently, she being a lady with medical problems also and having been in custody for more than 10 months, she deserves to be admitted to bail.

Learned State counsel as also learned counsel for the complainant however point to the FIR itself, where the petitioner has been named as one of the members of the family (daughter-in-law of the deceased), who allegedly also got the house of the deceased transferred from his name.

Therefore, on merits, at this stage at least, I am not inclined to entertain this petition.

However, as regards her medical condition, since the prescription annexed as Annexure P-2 with the petition does not show any specific disease that she is suffering from, learned State counsel would get the affidavit of a gazetted officer filed, annexing therewith a certificate from the jail doctor with regard to the medical condition of the petitioner.

Adjourned to 24.05.2021.

A photocopy of this order be placed on the file of the other connected case.

April 19, 2021  
nitin

Whether speaking/reasoned  
Whether Reportable

(AMOL RATTAN SINGH)  
JUDGE  
Yes  
No.