

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

CRM-M-20706-2021(O&M)

Date of decision: 06.08.2021

Sudesh Kaur

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Kuldeep V. Singh Ahluwalia, Advocate for the petitioner.

Mr. H. S. Sitta, AAG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

CRM-23688-2021

Allowed as prayed for. Annexure R-3 is taken on record.

Registry is directed to tag the same at an appropriate place.

Main case:

The petitioner has filed this second petition under Section 439 of Cr.P.C. for grant of regular bail in case bearing FIR No. 199 dated 07.07.2020, registered under Section 460 IPC, (Sections 120-B, 411 and 34 IPC added later on), at Police Station City Phagwara, District Kapurthala.

Learned counsel for the petitioner submits that it is a case of

blind murder of Hans Raj, father-in-law of Kamlesh Kaur. The petitioner has falsely been implicated in the present case being the real sister of co-accused Kamlesh Kaur. No recovery has been effected from the petitioner. The petitioner has been in custody since 07.07.2020. The only allegation against the petitioner is that she was in regular touch with her sister through telephone. The petitioner, Sudesh Kaur and Jasbir Singh were nominated on the disclosure statement of Madan Lal, who has stated that Sudesh Kaur and Kamlesh Kaur told him that Jasbir Singh had committed murder of Hans Raj in connivance with them and they also asked Madan Lal to save them.

Learned counsel for the petitioner further submits that the petitioner has nothing to do with the family affairs of Kamlesh Kaur and is residing far away from their house.

Copy of custody certificate by way of affidavit dated 05.08.2021 of the Superintendent, Central Jail, Kapurthala, submitted by the learned State counsel through email, is taken on record.

Learned State counsel, while opposing the prayer for bail, submits that there are specific and serious allegations against the petitioner and hence the petitioner is not entitled to the concession of the bail. He however, does not disputed the custody period of the petitioner, but states that the charges are yet to be framed.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 07.07.2020. The charge

are yet to be framed, the trial will take time to conclude, especially due to prevailing situation of Covid-19. Thus, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail on her furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

06.08.2021
Mangal Singh

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