

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

(Proceedings through Video Conferencing)

CRM-M-22572-2021

Date of Decision : 18.08.2021

Navdeep Kaur

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Chander Shekhar Sinhal, Advocate
for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab.

MANJARI NEHRU KAUL (Oral)

Through this second petition under Section 439 Cr.P.C., a prayer has been made for grant of regular bail to the petitioner in case FIR No.17 dated 21.03.2020, registered under Sections 302, 201, 120-B IPC, at Police Station Mukandpur, District SBS Nagar.

Learned counsel for the petitioner submits that subsequent to the withdrawal of the previous petition under Section 439 Cr.P.C., one prosecution witness has been examined. He further submits that it is a case based on circumstantial evidence and the only motive which has been attributed to the petitioner to commit the murder of her husband is that she was in an illicit relationship with co-accused Sukhdev Singh. Learned counsel for the petitioner submits that not only it is a totally fabricated case but there was no evidence collected by the Investigating Agency which could remotely connect the petitioner with the crime in question. He further

submits that infact the FIR was got registered by none other than the petitioner herself qua the murder of her husband at the hands of some unknown person. Learned counsel for the petitioner also submits that it was after one month of the alleged occurrence that an extra judicial confession was allegedly made by co-accused Sukhdev Singh before the father of deceased wherein he admitted to having committed the murder of the husband of petitioner. Learned counsel for the petitioner further submits that though one PW Paramjeet Kaur was stated to be a witness of last seen, however, the said witness while deposing before the trial Court failed to support the case of the prosecution as a result of which she was declared hostile. He submits that in the circumstances, more so since the petitioner has been in custody since 17.04.2020 and only one out of 21 prosecution witnesses has been examined so far, she be extended the concession of bail.

Per contra, learned State counsel while opposing the prayer of the learned counsel for the petitioner, on instructions from Sub Inspector Pavittar Singh, has conceded that PW1 Paramjeet Kaur, who was stated to be a witness of last seen did not support the case of the prosecution and was declared hostile. He has further conceded that as far as the present petitioner is concerned, the said witness i.e. PW1 Paramjeet Kaur was admittedly a material witness with respect to the role of the petitioner in the alleged crime.

Heard.

In view of the submissions made by learned counsel and the fact that the petitioner has been in custody since 17.04.2020, the trial is unlikely to conclude in the near future. Hence, the present petition is allowed and the petitioner is admitted to bail to the satisfaction of the trial

Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

18.08.2021
mamta

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No