

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(203)

CRM-M-23503-2020

Date of decision: - 18.11.2021

Simar Kaur

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Hoshiar Singh, Advocate,
for the petitioner.

Mr. Sandeep Singh Deol, Deputy Advocate General, Punjab.

(Through Video Conferencing)

HARSIMRAN SINGH SETHI, J. (ORAL)

Present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in respect of FIR No.79 dated 13.06.2020, registered under Sections 302, 506 and 34 IPC, at Police Station Talwandi Chaudhrian, District Kapurthala.

Learned counsel for the petitioner argues that the complainant, who is father-in-law of the petitioner, has wrongly involved the petitioner in the present case and that too without any valid justification. Learned counsel for the petitioner further argues that actually, Parkash Kaur i.e. mother-in-law of the petitioner had fallen from the stairs and sustained some injuries due to which she passed away and

the petitioner along with co-accused, namely Dhara Singh have been involved to allege the allegations that Parkash Kaur was murdered by the petitioner along with Dhara Singh by giving the sticks and fists blow to her person.

Learned counsel for the petitioner submits that the husband of the petitioner has already given an affidavit that the allegations, which are being alleged by the father-in-law i.e. the complainant, were not correct and rather her mother Parkash Kaur had died after falling from the stairs, which affidavit has not been taken into consideration by the investigating agency while submitting the challan. Learned counsel for the petitioner further submits that as the main material witnesses have already been examined and there is no likelihood of influencing the trial by the petitioner in any manner and also the fact that co-accused, namely, Dhara Singh, has already been extended the benefit of anticipatory bail by this Court, the petitioner may kindly be extended the benefit of regular bail.

Learned State counsel submits that the allegations against the petitioner are specific and serious, though, it is conceded that co-accused, namely, Dhara Singh has already been extended the benefit of anticipatory bail by this Court and that the husband of the petitioner, who is son of the complainant, has already given an affidavit that the allegations alleged against the petitioner are false.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Once, the main material witnesses have already been

examined and the allegations alleged against the petitioner are yet to be proved during the trial and keeping in view the fact that co-accused, namely, Dhara Singh, against whom also similar allegations have been alleged, has already been extended the benefit of anticipatory bail by this Court coupled with the fact that husband of the petitioner i.e. son of the complainant, is supporting the petitioner qua her innocence, keeping the petitioner behind the bars during the entire period of the trial will serve no purpose as at this stage, the petitioner is not in a position to influence the trial in any manner.

In view of the above and without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, if not required to be detained in any other case, subject to the satisfaction of the trial Court/Duty Magistrate concerned.

Learned counsel for the petitioner undertakes that petitioner will not influence the trial in any manner and in case of default of the above undertaking, the State/complainant will be at liberty to approach this Court for passing appropriate orders.

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

Present petition stands allowed accordingly.

(HARSIMRAN SINGH SETHI)
JUDGE

November 18, 2021
naresh.k

Whether reasoned/speaking?
Whether reportable?

Yes
No