

CRM-M-31826-2021

Date of Decision: 12.08.2021

Suman

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Ashish Aggarwal, Advocate, for the petitioner.

Mr. Rana Harjasdeep Singh, D.A.G., Punjab.

AMOL RATTAN SINGH, J. (ORAL)

Case heard via video conferencing.

This petition has been filed under the provisions of Section 439 of the Cr.P.C., for grant of 'regular bail' to the petitioner in case FIR No. 37, dated 20.02.2020, registered at Police Station B-Division, District Amritsar (City), for the alleged commission of offences punishable under the provisions of Sections 302/201 of the IPC (with Section 120-B thereof having been added later).

Learned counsel for the petitioner submits that the petitioner was neither named in the FIR nor even in the supplementary statement subsequently made by the complainant (wife of the deceased) and it is only on an alleged disclosure statement made by the husband of the petitioner (co-accused), who was named as a prime accused in the FIR itself, that she has also been roped in as an accomplice to the murder.

Learned State counsel, on the other hand, submits that the disclosure statement having been made by her husband, it cannot be doubted, with the said statement being to the effect that in fact it was the petitioner

who inflicted 04 blows with a small cylinder on the head of the deceased leading to his death.

Looking simply at the fact at this stage only and specifically (for the purpose of this petition filed under the provisions of Section 439 of the Cr.P.C.), that the petitioner has been allegedly named in a disclosure statement made by her co-accused in police custody, and the fact that she is stated to have been in custody for about 1½ years now, with the trial still to effectively commence, with not a single prosecution witness examined so far, 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/Duty Magistrate/Chief Judicial Magistrate.

However, it is made absolutely clear that all observations made hereinabove are only in the context of a petition filed under the provisions of Section 439 of the Cr.P.C. and naturally, the trial court would disregard all observations and come to its conclusion as regards the innocence/guilt of any of the accused, wholly as per the evidence led before it.

It is also to be noticed that learned counsel for the petitioner has submitted (of course without any verification ordered by this court), that the petitioner also has a 06 year old daughter, with her and her husband both having been in custody for the past 1½ years.

August 12, 2021
nitin

(AMOL RATTAN SINGH)
JUDGE