

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

Criminal Misc.-M No.33269 of 2021

Date of Decision: November 24, 2021

Harpreet Kaur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr.Digvijay Nagpal, Advocate for
Mr.Sanjeev Kumar, Advocate,
for the petitioner.

Mr.Ramandeep Sandhu, Sr.DAG, Punjab.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.11 dated 12.1.2018, under Sections 302 and 201 IPC, 1860, registered at Police Station Sadar Khanna, District Ludhiana, who is in custody for the last 3½ years.

The allegations contained in the FIR, as noticed by the Addl. Sessions Judge, Ludhiana, in his order dated 14.7.2021 while dismissing the bail application of the petitioner, are as under:-

“The present case has been registered at the instance of Mandeep Singh on the averments that he is labourer and they are two brothers. His elder brother Kuldeep Singh alongwith his wife and son residing at Model Town, Khanna. On 11.01.2018 at about 9:00 P.M, his brother Kuldeep Singh left the house on his motorcycle bearing no.PB10BP-7030 without informing anyone and he did not return till 12.01.2018. He received information at about 12:30 P.M, that his brother Kuldeep Singh had died due to drowning in the pond. He reached near the location and rescued the dead body of his

brother from the pond with the help of villagers. He found that motorcycle was tied to his ankles with black cloth and an electric wire and there were blue scars on his neck. His brother Kuldeep Singh was murdered and in order to dispose off his dead body, somebody has tied motorcycle with him and threw his dead body in the pond. With these allegations, case under section 302, 201 IPC was registered.”

Learned counsel for the petitioner has argued that the case of the prosecution is based upon circumstantial evidence. It is pointed out that as per prosecution, the petitioner allegedly participated in the crime alongwith those two accused persons, who were lastly seen by witness Hazara Singh. It is stated that the said witness Hazara Singh has expired and the material witness, namely, Dhana Singh before whom the accused, suffered extra judicial confession, is not appearing before the trial Court for last various dates. He has submitted that as the co-accused, namely Pawandeep Singh and Charanpreet Singh have already been extended the concession of regular bail by this court vide order dated 19.04.2021 (Annexure P-3), the petitioner be also released on bail.

On the other hand, learned State counsel assisted by ASI Suraaj Din, has opposed the prayer on the ground that the dead body of the deceased was tied with his own motorcycle and was recovered from a canal. He submits that the petitioner had suffered extra judicial confession before Dhana Singh, who is yet to be examined before the trial Court. It is pointed out that in all there are twenty prosecution witnesses and only four have been examined so far. It is not disputed that co-accused have been granted the concession of regular bail.

After hearing the learned counsel for the parties, considering the custodial period of the petitioner and the fact that similarly situated co-

accused of the petitioner have already been released on regular bail, this court is of the opinion that the further custody of the petitioner may not be necessary for any useful purpose. Further, the prosecution is yet to examine its remaining sixteen witnesses and it may take considerable time to conclude the trial.

Resultantly, without meaning any expression of opinion on the merits of the case, the petition is allowed and it is ordered that the petitioner be released on regular bail subject to her furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate, Ludhiana.

November 24, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No