

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

CRM-M-30923-2020

Date of decision-11.02.2021

Kamlesh

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Neeraj Madaan, Advocate for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.25 dated 13.03.2020 registered under Sections 302, 201 and 34 Indian Penal Code, 1860 at Police Station Kulghari, District Ferozepur. The petitioner is in custody since her arrest on 13.03.2020.

The FIR was registered on the statement of complainant-Ajay and the allegations as noticed by the Sessions Judge, Ferozepur in the order dated 08.09.2020 are as under:

“Perusal of the record shows that the present case was registered on the statement of complainant Ajay on the allegations that on 13.02.2020 at about 4.00 p.m., Sukhraj went from home but he did not return and complaint regarding his missing was got registered in police station, Kulgarhi. On that day, at about 07.00a.m., Sammi Bhatti came to the complainant and told him that applicant/accused told him that she killed Sukhraj Singh, in connivance with Harwinder Singh @ Sukha, after giving kirch blows on him and his dead body was thrown

in the river, near Lakhmeer Pura. The motive behind the occurrence was that Sukhraj had illicit relations with Reena, daughter of Kamlesh and due to this reason, applicant/accused killed Sukhraj.”

Learned counsel for the petitioner contends that the prosecution case hinges upon circumstantial evidence i.e. the alleged extra judicial confession suffered by the petitioner before Sammi Bhatti, wherein she allegedly stated that she along with her co-accused-Harwinder Singh and Karandeep Singh committed the murder of Sukhraj as he was having illicit relations with petitioner's daughter. He further submits that except for this extra judicial confession, there is no evidence against the petitioner, much less the dead body or the postmortem report. Learned counsel contends that the petitioner was arrested on 13.03.2020 and the investigation of the case is complete, however, according to him the trial is yet to commence as no prosecution witness has been examined so far. He prays that the petitioner be released on bail during the pendency of the trial.

On the contrary, learned State counsel assisted by ASI Balvir Singh has opposed the prayer on the ground that the petitioner had the motive to commit the crime. He has further submitted that co-accused of the petitioner are also in custody and the charges were framed on 07.12.2020, but no prosecution witness has been examined so far.

After hearing the learned counsel for the parties, this Court finds that investigation of the case is complete and the trial is yet to commence as after framing of charges, no prosecution witness has been examined, therefore, considering the custodial period of the petitioner, this Court finds it to be a fit case for grant of regular bail as the trial may

consume considerable time to conclude. Presently, the petitioner is confined in judicial custody after her arrest on 13.03.2020, and her further detention may not be necessary for any useful purpose.

Resultantly, without meaning any expression of opinion on the merits of the case, 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 concerned.

The petition is allowed.

11.02.2021

vanita

Whether speaking/reasoned :
Whether Reportable :

Yes
Yes

(MANOJ BAJAJ)
JUDGE
No
No