

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

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CRM-M-39191-2020

Date of Decision : November 10, 2021

POONAM KAUR @ PUNAM KAUR

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

AND

2

CRM-M-41982-2020

SATNAM SINGH @ SATTA

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Naveen Bawa, Advocate
for the petitioner in CRM-M-39191-2020.

Mr. V.K. Kaushal, Advocate
for the petitioner in CRM-M-41982-2020.

Mr. Karanbir Singh, AAG, Punjab.

JASGURPREET SINGH PURI. J. (Oral)

Both the present petitions have been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioners in case FIR No.96 dated 16.06.2019 under Sections 302, 120-B, 34 IPC registered at Police Station Gharinda, District Amritsar.

Both these petitions for regular bail are taken up together for decision as both the petitioners are the accused in same FIR. The petitioner Poonam Kaur @ Punam Kaur in CRM-M-39191-2020 and the petitioner Satnam Singh @ Satta in CRM-M-41982-2020 are in custody since 17.06.2019 which is about two years and five months.

The learned counsels for the petitioners in both the cases have argued that it is a case where the allegations against the petitioners were that the father of the complainant was allegedly having some illicit relations with the petitioner Poonam Kaur @ Punam Kaur and in view of that background, he was attacked with baseball stick and other weapons and was killed. The complainant, namely, Manjinder Singh, who is the eye witness in the present case as well as one prosecution witness, namely, Maninder Singh who is also an eye witness in the present case have stated during the course of trial as PW-2 and PW3 that they have not seen the petitioners attacking the father of the complainant and both of them have been declared hostile by the learned trial Court. Similarly, the aunt of the complainant, namely, Amarjeet Kaur was also declared hostile at the time of trial. Learned counsels for the petitioners have submitted that in fact both the petitioners were falsely implicated in the present case and they have been facing incarceration for more than two years and all the material witnesses have been examined. The learned counsels for the petitioners have further submitted that they are not involved in any other case and they are not habitual offenders and, therefore, they may be considered for the grant of regular bail especially keeping in consideration the long custody of the petitioners.

On the other hand, Mr. Karanbir Singh, learned AAG, Punjab has submitted that so far as the custody of the petitioners is concerned, the same is correct and it is also correct that the petitioners are not involved in any other case except one petitioner, namely Satnam Singh @ Satta, who is involved in a case under Prisons Act only. He has also not disputed the fact that all the material witnesses including the eye witnesses have turned hostile. However, he has opposed the grant of bail to the petitioners on the ground that the matter is serious in nature.

I have heard the learned counsels for the parties.

The custody period of both the petitioners is not in dispute and it is also not in dispute that the petitioners are not involved in any other case except one petitioner, namely, Satnam Singh @ Satta who is

involved in one case under Prisons Act. This Court does not wish to go into the aspect of all the material witnesses turning hostile but this Court would certainly consider the aspect of long custody of the petitioners for the purpose of consideration for grant of regular bail to the petitioners. The custody of both the petitioners is about two years and five months and, therefore, considering the totality of the facts and circumstances of the present case, this Court deems it fit and proper to grant the concession of regular bail to both the petitioners.

Consequently, both the petitions are allowed. The petitioners are ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

November 10, 2021

ajay-1/rajender

(JASGURPREET SINGH PURI)

JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No