

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(206)

CRM-M-7825-2022

Date of decision: - 20.05.2022

Anu Rani alias Amni

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Rajender Singh Duggal, Advocate,
for the petitioner.

Mr. M.S. Nagra, Assistant Advocate General, Punjab.

VIKAS BAHL, J. (ORAL)

This is a first bail application under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.252 dated 27.10.2017, registered under Sections 302, 201, 120-B and 411 IPC, at Police Station Patran, District Patiala.

Learned counsel for the petitioner has submitted that the petitioner is in custody since 28.10.2017 and is a young girl of 22 years and there is no eye witness in the present case and the FIR has been registered after a delay of about one month, inasmuch as, the deceased was stated to be missing from 29.09.2017, whereas the FIR has been registered on 27.10.2017. It is further submitted that even the complainant in the present case is not an eye witness and only on account of the fact

that the petitioner along with other co-accused had last gone with the deceased, the petitioner has been implicated in the present case. It is also submitted that the said complainant and the material witnesses have already been examined, thus, the question of influencing them does not arise. It is further submitted that co-accused of the petitioner, namely, Chuchhwinder Singh alias Saswinder Singh alias Chinda has already been granted the concession of regular bail by a Co-ordinate Bench of this Court, vide order dated 29.10.2021 passed in CRM-M-9428-2021.

Learned State counsel, on the other hand, has opposed the present petition for the grant of regular bail and has submitted that as per the custody certificate, since the petitioner has also been involved in two other cases, the custody in this case is stated to be 3 years, 5 months and 12 days. It is further submitted that the skeleton of the deceased has been got recovered from the present petitioner and other co-accused. It is also submitted that there is a disclosure statement made by the present petitioner.

This Court has heard learned counsel for the parties and has gone through the paper-book.

The petitioner has been in custody since 28.10.2017. As per the custody certificate, since the petitioner was also involved in two other cases, thus, the custody period is stated to be of 3 years, 5 months and 12 days. The petitioner is a young girl of 22 years and there is no eye witness in the present case. The co-accused of the petitioner, namely, Chuchhwinder Singh alias Saswinder Singh alias Chinda has already been granted the concession of regular bail by a Co-ordinate Bench of this Court, vide

order dated 29.10.2021 passed in CRM-M-9428-2021. The star witnesses have already been examined, thus, the question of influencing them does not arise.

Keeping in view the abovesaid facts and circumstances, the present petition is allowed and the petitioner is ordered to be released on bail on her furnishing bail / surety bonds to the satisfaction of the concerned trial Court/ Duty Magistrate and subject to her not being required in any other case.

It is however made clear that in case the petitioner influences or threatens any witness, then it would be open to the State to move an application for cancellation of bail of the petitioner.

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

May 20, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No