

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

**CRM-M-7267 of 2022(O&M)
Date of Decision: 07.07.2022**

Gurmit Kaur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

**Present:- Mr. Vipin Manajan, Advocate
For the petitioner.**

Ms. Samina Dhir, DAG Punjab.

**Mr. Hitesh Chopra, Advocate and
Mr. Munish Puri, Advocate
for the complainant.**

KARAMJIT SINGH, J.

The present petition has been filed under Section 439 Cr.P.C. by the petitioner seeking regular bail in FIR No. 32 dated 05.05.2021, registered under Sections 302, 307, 325 read with Section 34 IPC and Section 181 of Motor Vehicle Act, Police Station Bhaini Mian Khan, District Gurdaspur.

Status report by way of affidavit of Sh. Kulwinder Singh, DSP, Rural, Gurdaspur filed by the State today in Court is taken on record.

The counsel for the petitioner contends that the petitioner is aged about 60 years and is in custody since last one year. The counsel further contends that the petitioner has been falsely implicated in the present case. According to him, the only allegation against the petitioner

is that she exhorted her son Manpreet Singh to kill Manjit Kaur and her daughter Sumanpreet Kaur who restrained Manpreet Singh from demolishing the 'watt'. The counsel for the petitioner further contends that the material witnesses have already been examined but still it will take time for the trial to conclude. Counsel for the petitioner further contends that petitioner be granted bail.

Bail application is opposed by learned State counsel as well as counsel for the complainant, who contend that petitioner played active role at the time of occurrence, which resulted in death of Sumanpreet Kaur as Manpreet Singh son of the petitioner intentionally rammed his tractor against Sumanpreet Kaur and Manjit Kaur. The State counsel, while referring to the status report filed on behalf of the State further contends that prosecution has already examined 14 witnesses out of total 29 witnesses while 07 witnesses have been given up by the prosecution and that the trial is going to conclude shortly.

I have considered the submissions made by counsel for the parties.

As per the allegations appearing on record the petitioner exhorted her son Manpreet Singh to finish Manjit Kaur and Sumanpreet Kaur who were refraining Manpreet Singh from demolishing the 'watt' and then Manpreet Singh ran his tractor over Sumanpreet Kaur and Manjit Kaur as a result of which Sumanpreet Kaur sustained fatal injuries and died.

Admittedly, the petitioner is in custody for the last one year as is evident from the custody certificate furnished by the State counsel which also shows that petitioner is not having any criminal history.

Except for exhortation, no other overt act has been attributed to the petitioner. It will take time for the trial to conclude as 08 other prosecution witnesses are yet to be examined. As the material witnesses have already been examined by the prosecution, it cannot be said that there is any apprehension that if released on bail, the petitioner is going to pressurize the complainant and other material witnesses. Also, there is no apprehension that if released on bail, the petitioner is going to abscond.

In view of the matter, no purpose is going to be served by keeping the petitioner in custody for any longer period. Thus, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to her furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

07.07.2022

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**(KARAMJIT SINGH)
JUDGE****Whether speaking/reasoned : Yes/No****Whether reportable : Yes/No**