

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

**CRM-M No.7112 of 2020 (O&M)
Date of Decision: 12.07.2022**

Rajwinder Kaur @ Raju

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Sandeep Arora, Advocate for the petitioner.

Mr. Charanpreet Singh, AAG, Punjab
for the respondent.

MAHABIR SINGH SINDHU, J.

Second petition has been filed under Section 439 of the Code of Criminal Procedure for grant of bail pending trial to the petitioner in FIR No.27 dated 09.04.2019, under Sections 302, 201, 120-B, 148 & 149 of the Indian Penal Code, 1860 (*for short 'IPC'*), registered at Police Station Sekhwan, Police District Batala, District Gurdaspur.

Brief allegations are that on 09.04.2019 at about 04:00 AM, complainant-Sukhwant Kaur woke up and found that her husband Gurnam Singh (Ex-Serviceman) was not on his bed. She gave phone calls on the mobile number of her husband, but the same was switched off. Her son, namely, Parkash Singh gave information to the Police Post Simble Batala. Thereafter, complainant along with her son went to Kahnuwan Road Sekhwan Dhariwal, Bhoja for the search of Gurnam Singh, from where, they came to know that one dead body is lying in the area of Satkoha Road adjoining to the land of Dhariwal Bhoja in the wheat crop

field. On reaching there, they found the dead body of Gurnam Singh, which was stained with blood and had injuries caused with sharp edged weapon. During investigation, petitioner was arrested in the present case.

This Court, on 28.01.2021 while granting interim bail to petitioner, passed the following order:-

“Contends that petitioner has been implicated in this case on the basis of circumstantial evidence while invoking the provisions of Section 120-B of Indian Penal Code and she is in custody since 10.04.2019.

Learned State counsel seeks time to have instructions in the matter.

Posted on 26.04.2021.

Let the petitioner be released on interim bail, till the next date of hearing, on her furnishing bail bond and surety bond to the satisfaction of learned trial Court/CJM/Duty Magistrate, concerned.”

Learned Counsel, on instructions from petitioner, submits that she was not named in the FIR and after granting interim bail, she is regularly appearing before learned trial Court. Also contends that there is no apprehension or threat that she may interfere with the proceedings before learned trial Court or to influence the prosecution witnesses in any manner.

The above factual position is duly acknowledged by learned State Counsel except that petitioner has been implicated in the present case with aid of Section 120-B, IPC.

In view of the above, this Court is of the opinion that sending the petitioner in custody at this stage would not serve any purpose. Consequently, the present petition is allowed and interim bail granted by this Court, vide order dated 28.01.2021, is made absolute. Petitioner be admitted to bail on her

furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

Petitioner shall fully co-operate with the learned trial Court without seeking any unnecessary adjournments.

The above observations may not be construed as an expression of opinion on the merits of the case.

It is clarified that in case there is any misuse of concession of bail on the part of the petitioner, State of Punjab would be at liberty to move an appropriate application for recalling of this order.

July 12th, 2022
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>