

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-10555-2022 (O&M)

Date of Decision:- 16.5.2022

Lovepreet Kaur

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

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

Mr. Tanvir Joshi, AAG, Punjab,
assisted by SI Jaswinder Singh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against her vide FIR No.5, dated 10.1.2022, Police Station Bhawanigarh, District Sangrur, under Sections 302, 34 IPC.
2. The FIR was lodged at the instance of Sukhwinder Kaur who has stated that upon death of her husband, her marriage was solemnized with her *devar* (brother-in-law) Sarabjeet Dass. While the complainant was residing in Nabha, Sarabjeet Dass who is a driver by profession resided in village Kakra and used to come to Nabha after 1-2 days. It is alleged that on 10.1.2022 complainant's brother-in-law Ajay Kumar informed her that Gurmeet Das who is relative of complainant and his wife Lovepreet Kaur had come to reside at their residential house in Kakra and had stayed with her husband and that last evening he had heard voices indicating that some scuffle was

going on and he immediately went into the house of the complainant and saw that Gurmeet Das and Lovepreet Kaur were arguing with Sarabjeet Dass and he saw that Gurmeet Das gave a push to Sarabjeet Dass with an intention to kill him, upon which Sarabjeet Dass struck against glass window pane and sustained injuries on his arm and on other parts of his body. He further informed the complainant that while Gurmeet Das and Lovepreet Kaur ran away from the spot, Sarabjeet Dass locked room from inside and consequently he (Ajay Kumar) returned back home. The complainant, upon receipt of said information rushed to her ancestral house at village Kakra and saw that the house was bolted from inside. Upon opening the door they found the dead body of her husband Sarabjeet Dass smeared in blood, lying on a cot.

3. Learned counsel for the petitioner has submitted that she has falsely been implicated in the present case and that even if the allegations as levelled in the FIR are taken to be correct, it is the co-accused Gurmeet Das who is alleged to have pushed deceased Sarabjeet Dass as a result of which he hit against glass window pane and sustained injuries and ultimately succumbed to his injuries. It has further been submitted that, in any case, challan already stands presented and in these circumstances no purpose would be served by further detaining the petitioner behind bars.
4. On the other hand, learned State counsel has submitted that since the petitioner is specifically named in the FIR and she alongwith her husband i.e. co-accused Gurmeet Das was seen arguing with the

deceased before her husband pushed Sarabjeet Dass leading to his death, her complicity is clearly evident. Learned State counsel has however, informed that the petitioner as on date has been behind bars since the last more than 4 months and that challan already stands presented. It has further been informed that as many as 18 PWs have been cited and that charges are yet to be framed. It has also been informed that the petitioner is not involved in any other case.

5. I have considered rival submissions addressed before this Court.
6. It is not in dispute that the fatal push to the deceased was given by the co-accused and petitioner is not attributed any injury. In any case, at this stage this Court does not deem appropriate to make any further expression on merits of the case. The petitioner is a lady and has been behind bars since the last more than 4 months. Investigation has already been concluded and challan stands presented. Conclusion of trial will take time inasmuch as none out of the cited 18 PWs has been examined till date. In these circumstances, no useful purpose would be served by further detaining the petitioner behind bars. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to her furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

16.5.2022

mohan

**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No