

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

225

CRM-M-17880-2022

Date of Decision : May 06, 2022

GURPREET KAUR

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. G.S.Aulakh, Advocate
for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

JASGURPREET SINGH PURI. J. (Oral)

The present petition is a third petition filed by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.0083 dated 4.5.2018 under Sections 302, 34 IPC, registered at Police Station Jodhan, District Ludhiana.

It has been submitted by the learned counsel for the petitioner that the petitioner is a lady of the age of 31 years and she is in custody from 6.5.2018 which is 4 years. He further submitted that out of 18 cited witnesses, 7 have already been examined. He submitted that it is a case where the allegation against the petitioner who is a lady is that the body of the deceased was found in the house of the petitioner and the entire case was based upon circumstantial evidence and last seen theory. He further submitted that there is no direct evidence available in the present case and it was only on the basis of probabilities that the petitioner was arrayed as an accused and the petitioner has clean

antecedents and is not involved in any other case. He submitted that considering the aforesaid facts and circumstances of the case and also the long custody of the petitioner, she may be considered for the grant of regular bail.

On the other hand, the learned State counsel has submitted that it is correct that the petitioner is in custody from 6.5.2018 and the petitioner is not involved in any other case and has clean antecedents.

I have heard the learned counsels for the parties.

The petitioner is a lady stated to be of the age of 31 years. As per the prosecution story, the dead body of the deceased was found in the house of the petitioner and as per one of the witnesses the deceased was last seen entering the house of the petitioner on the previous night and the entire case is based upon circumstantial evidence. Be that as it may, the petitioner has already faced incarceration for 4 years and 7 witnesses out of 18 witnesses have been examined and it appears that the trial may take long time. Furthermore, it is not the case of the State that in case the petitioner is released on bail then she may influence any witness or may tamper with any evidence or may flee from justice. Therefore, the long custody of the petitioner itself constitute a good ground for the grant of regular bail to the petitioner.

Consequently, the present petition is allowed. The petitioner is 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.

May 06, 2022
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(JASGURPREET SINGH PURI)
JUDGE

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