

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(207)

CRM-M-21932-2022

Date of Decision : September 13, 2022

Taranjit Kaur

.. Petitioner

Versus

State of Punjab

.. Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Paramjit Singh Sullar, Advocate, for the petitioner.

Mr. Teever Sharma, Assistant Advocate General, Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

Present petition has been filed under Section 439 Cr.P.C for the grant of regular bail to the petitioner in respect of FIR No.14 dated 14.03.2019 registered under Sections 363 and 365 of the IPC, 1860 (Sections 302, 364, 404, 316, 201, 120-B, 148 and 149 of the IPC added later on) at Police Station Arif Ke, District Ferozepur.

Learned counsel for the petitioner argues that the allegations against the petitioner is of doing the recce of the area concerned so as to know the whereabouts of the victim. Learned counsel for the petitioner submits that similar allegation, as alleged against the petitioner, were also alleged against the co-accused Pushpinder Singh, whose bail petition was declined by this Court and the Hon'ble Supreme Court of India while

passing order in Special Leave to Appeal (Criminal) No.7876 of 2021, granted Pushpinder Singh the concession of regular bail and as the petitioner is similarly situated as co-accused Pushpinder Singh, the petitioner be also extended the same benefit on parity as the petitioner is behind bars since 24.03.2019.

Notice of motion.

Mr. Teever Sharma, learned Assistant Advocate General, Punjab, who is present in the Court, accepts notice on behalf of the respondent-State.

Learned State counsel, on the instructions from ASI Sukhpal Singh, submits that the allegations against the petitioner are also of doing the recce but certain recoveries have also been made from the petitioner including the car in question.

Learned counsel for the respondent-State further submits that the allegations against the petitioner are that the petitioner along with co-accused Pushpinder Singh had done the recce of the area and the deceased was last seen in their company according to the eye witness. Learned counsel for the respondent-State further submits that certain jewelery of the deceased has been recovered on the disclosure statement of the petitioner, hence, the prayer of the petitioner for the grant of regular bail may kindly be declined.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

It is not disputed that the allegation against the petitioner and co-accused Pushpinder Singh are similar in nature except for the fact that on the disclosure statement of the petitioner, certain jewelery has been

recovered, which disclosure statement of the petitioner is yet to be proved during the trial. The petitioner is already behind the bars for the last more than three and half years and keeping in view the fact that only 11 witnesses out of 50 witnesses have been examined, the trial is likely to take some time before it concludes coupled with the fact that co-accused Pushpinder Singh facing similar allegations has already been extended the concession of bail by the Hon'ble Supreme Court of India keeping in view of the custody undergone by the said co-accused and the status of the trial, hence, the petitioner has also made out a case on the ground of parity as compared to co-accused Pushpinder Singh for the grant of regular bail especially when learned counsel for the petitioner has undertaken before this Court that in case the petitioner is granted the concession of regular bail, she will not influence the trial or the witnesses in any manner and in case of default of the above undertaking, State will be at liberty to approach this Court for passing appropriate orders.

In view of the above and without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, subject to the satisfaction of the trial Court/Duty Magistrate concerned.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

September 13, 2022
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No