

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

CRM-M-25195-2021

Date of decision: 30.08.2022

Monika alias Muskan

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Ms. Anupam Bhanot, Advocate,
for the petitioner.

Mr. IPS Sabharwal, DAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Through this third petition, the petitioner seeks regular bail in case FIR No.82 dated 31.05.2019, registered at Police Station Gate Hakima, District Amritsar, under Sections 302, 201 and 34 IPC.

Learned counsel for the petitioner submits that allegation against the petitioner is that dead body of Harpal Singh (since deceased) was found lying near the house of the petitioner; that there are material contradictions in the testimony of PW 1 complainant-Rajwinder Kaur; that the petitioner has been in custody since 03.06.2019 i.e. more than 03 years and 02 months; that 23 prosecution witnesses are yet to be examined, and that the petitioner has also lost her husband and she is now the single parent to look after her minor child. Moreover, co-accused, namely, Anshu Sharma @ Mangu, Keshav Kumar and Akash Shergill @ Pardesi have since been granted the concession of regular bail, vide orders dated 19.11.2019, 11.12.2019 and 17.01.2020 passed by a Coordinate Bench and this Court.

On the other hand, learned State counsel, while opposing the grant of bail to the petitioner, submits that Rajwinder Kaur (complainant), while appearing before the trial Court as PW 1, stated that the dead body of her husband had been found lying near the house of the petitioner and that the petitioner and three boys used to go with her husband (deceased) for performing cultural programme and that the petitioner alongwith other boys had murdered her husband.

I have heard the learned counsel for the parties.

After investigation, challan was filed way back on 30.08.2019. However, testimony of complainant-Rajwinder Kaur (PW 1) was recorded on 24.02.2022. The petitioner, who is a single parent to look after her minor child, has been in custody since 03.06.2019. Out of 26 prosecution witnesses, only 03 witnesses have been examined so far. There is no likelihood of completion of trial in the near future. There are no past criminal antecedents of the petitioner. As stated above, the co-accused have also been granted the concession of regular bail. In this circumstances, this Court finds that no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on her furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

30.08.2022

parveen kumar

(HARNARESH SINGH GILL)

JUDGE

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No