

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

CRM-M-25869-2020 (O&M)

Date of decision: 01.02.2022

Paramjit Kaur @ Pammi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Suram Singh Rana, Advocate
for the applicant-petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

(Through video conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 57 dated 31.08.2011, registered under Section 307 IPC (after death converted into 302 IPC) read with Section 34 IPC at Police Station Mukandpur (at present Police Station Aur), District S. B. S. Nagar.

Learned counsel for the petitioner submits that the petitioner is a married sister-in-law of deceased Babbu, who was married to younger brother of the petitioner, namely Romi. Learned counsel further submits that the husband of the petitioner has gone to Lebanon about 7/8 years ago and his whereabouts are not known. It is further stated that the petitioner has three minor daughters and there is no one to look after them in the absence of the petitioner and her husband.

Learned counsel for the petitioner further submits that the marriage of the petitioner was solemnized with Gurdip Singh in the year 1997, whereas the incident took place on 30.08.2011.

Learned counsel for the petitioner further submits that the marriage of deceased was performed with the brother of the petitioner four years prior to the date of incident and in the FIR, there are no specific allegations that in the intervening period of four years, the petitioner, in any manner, harassed or maltreated her by way of demanding dowry.

Learned counsel has referred to the allegations in the FIR to submit that there are general allegations against the petitioner that she used to maltreat the deceased and the husband of the petitioner, mother-in-law of the deceased as well as the petitioner had poured kerosene oil on the victim and put her on fire with intention to kill.

Learned counsel further submits that the petitioner is in judicial custody for the last about 02 years and 10 months and out of total 17 prosecution witnesses, 11 witnesses have already been examined and 04 witnesses have been given up.

Learned counsel for the petitioner has referred to the statement of PW-1 Nathu Ram, father of the deceased, who has not supported the prosecution version and has not stated that her daughter was harassed by the petitioner. This witness was declared hostile and in the cross-examination, he did not even support the statement made before the police. Similar is the statement of PW-2 Harjinder Pal, who is the brother of deceased and he has also not supported the prosecution version.

Learned counsel further submits that the petitioner was never

arrested in the original trial, in which his brother was facing trial, and was declared a proclaimed offender, however, later on, she was arrested in the present case and the trial has again started.

Learned counsel further submits that even in the earlier statement of PW-2 Harjinder Pal, who has appeared as PW-7, has not supported the prosecution version. It is further submitted that it has come in the MLR of said Romi that his hands were burnt as he was trying to save the deceased, who caught fire due to bursting of kerosene stove.

Learned counsel further submits that all the material witnesses have already been examined and there is no possibility for the petitioner to tamper with the prosecution evidence.

Learned State counsel, on the basis of the affidavit of the SHO of the police station concerned, has not disputed the factual position. Learned State counsel submits that brother of the petitioner already stands convicted in a separate trial and the petitioner was declared a proclaimed offender, vide order dated 14.01.2012 and was later on arrested on 07.04.2019 and the separate trial is going on, in which 11 prosecution witnesses have been examined.

Learned State counsel, however, could not dispute that the petitioner is a first offender; she is married a sister-in-law of the deceased and was living in a separate village and has three minor daughters.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that the petitioner is a first offender; she is a married sister-in-law of the deceased and was living in a separate village and has three minor

daughters to look after; she is in judicial custody for the last 02 years and 10 months and all the material witnesses have already been examined, some of whom have not supported the prosecution version, the instant petition is allowed. The petitioner is ordered to be released on regular bail on her furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate, concerned.

01.02.2022
Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No