

211 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-32236-2021
Date of decision: 28.07.2022

SEEMA RANI

...Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

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

Mr. Pawan Sharda, Sr. DAG, Punjab.

JAISHREE THAKUR, J. (Oral)

This is the second petition filed under Section 439 Cr.P.C. for grant of regular bail in case FIR No.0051 dated 13.03.2020, under Sections 302, 365, 201, 34 and 120-B of the IPC, registered at Police Station City-I, Abohar, District Fazilka, Punjab.

Learned counsel for the petitioner herein would contend that an FIR came to be registered by complainant-Mahinder Singh. It is contended that said Mahinder Singh had initially made a statement that his son Gurbaksh Singh was missing while further stating that wife of Gurbaksh Singh namely Paramjit Kaur and Seema (daughter of Gurbaksh Singh and grand-daughter of the complainant) were allegedly having an illicit relationship with Jaswant Singh, due to which there was tension within the family. It is submitted that the dead body of Gurbaksh Singh was found consequent to which, Seema Rani stood arrested and is in custody since 24.04.2020 and the only allegation against her is that she helped in the disposal of the body of deceased-Gurbaksh Singh. It is further contended that the statement of the material witness i.e. the complainant has already been recorded, who has not supported the case of the prosecution and in his cross-

examination, totally exonerated the petitioner herein. It is also argued that as the material witness has been examined, there would be a little likelihood of the petitioner influencing testimony of the complainant and the trial is likely to take time to conclude.

Learned State counsel would oppose grant of bail to the petitioner but does not dispute the factual position. He has filed a status report and has placed on record the testimony of the complainant-Mahinder Singh, the material witness, being the author of the said FIR. A perusal of the same would reflect that he has not supported the case of the prosecution.

I have heard learned counsel for the parties and have also perused the case file.

Without commenting on the merits of the case, keeping in view the fact that the petitioner herein is in custody since 24.04.2020 and has given birth to a male child, whereas during trial complainant has not supported the prosecution case, no useful purpose would be served in keeping the petitioner behind bars any longer as the trial is likely to take time to conclude. The instant petition is allowed and the petitioner is ordered to be released on regular bail on her furnishing adequate bail and surety bonds to the satisfaction of trial Court/Duty Magistrate concerned.

Anything observed or said by this Court in this order is only for the purpose of deciding the instant petition and the same shall have no effect on the merits of the case.

(JAISHREE THAKUR)
JUDGE

28.07.2022

Chetan Thakur

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*