

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

(211)

**CRM-M-36271 of 2021
Date of decision : 14.03.2022**

Binder Kaur

.....Petitioner

VERSUS

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present:- Mr. J. K. Singla, Advocate, for the petitioner.

Mr. Karanbir Singh, AAG, Punjab.

VINOD S. BHARDWAJ, J. (Oral)

The prayer in the instant petition filed under Section 439 Cr.P.C., is for grant of regular bail to the petitioner in case FIR No.27 dated 26.02.2021 registered under Sections 302, 201, 34 IPC 1860, at Police Station Bhikhi, District Mansa, Punjab.

Learned counsel for the petitioner *inter alia* contends that as per the allegations made out from the FIR and the subsequent investigation conducted by the police, the deceased Ramandeep Singh is stated to be habitual of purchasing contraband for his consumption and that on the fateful day of the incident i.e., 23.02.2021, he had gone to the house of the petitioner to purchase the contraband. As he was not having sufficient money with him, he offered his mobile phone to be kept as security for his supply of the contraband, whereupon, Krishana Devi @ Manu, the daughter-in-law of the petitioner and co-accused in this case had supplied smack to the deceased-Ramandeep Singh. The deceased thereafter, mixed the contraband with water and went to another room of the house of the petitioner and injected the contraband into his body.

He died on account of overdose of drug and that the petitioner along with other

co-accused are alleged to have connived with each other to dispose of the dead body in a water course near the Reliance Petrol Pump, so as to divert the investigation.

Learned counsel for the petitioner raises various issues including that the petitioner was not named in the FIR and that she has been falsely implicated in the aforesaid case after a period of 10 days only on the basis of the statement of the local counsellor (MC) recorded on 08.03.2021 alleging that the petitioner had made an extra-judicial confession but the same did not lead to any recovery. He further submits that the petitioner had no cause or reason to approach Makhan Singh, the Counsellor for making an extra judicial confession especially when the police had already found the main accused named in the FIR innocent during the investigation conducted by them on 05.03.2021. He also points out that the co-accused of the petitioner has already been granted concession of regular bail vide order dated 05.08.2021 passed in CRM-M-30493 of 2021 (O&M).

Learned State counsel opposes the instant petition on the ground that the petitioner is involved in another cases relating to NDPS Act. He has however, failed to controvert that no contraband was recovered from the house of the petitioner in the instant FIR and also that the role of the petitioner is at par with that of her co-accused and is rather on a better footings. It is also not in dispute that the petitioner is in custody since 09.03.2021 and has been in custody for more than 1 year. Investigation in the case is complete and the final report has been filed. However, charge has so far not been framed.

Having considered the rival submissions made by the parties

concerned and after noticing that insofar as present case is concerned, the petitioner is not alleged to have supplied the contraband to the deceased and that he had secured the same from co-accused Krishna Devi @ Manu. It is only that incident in question had happened at the house of the petitioner and that she is alleged to have participated in disposing the body. Without commenting upon the admissibility of the extra judicial confession made before the Local Counsellor (MC) and considering the period of custody already undergone by the petitioner as also a concession of regular bail having been extended to the co-accused by a Co-ordinate Bench of this Court vide order dated 05.08.2021 and status of the trial which is likely to take long time, I deem it fit and appropriate to allow the instant petition.

The petitioner is ordered to be released on regular bail on her furnishing personal bonds/surety bonds to the satisfaction of the trial Court.

The observation made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall decide the case on the basis of available material.

The instant petition is accordingly disposed of.

(VINOD S. BHARDWAJ)
JUDGE

14.03.2022
anil

<i>Whether speaking/reasoned :</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>