

CRM-M-36586-2021 (O&M)

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

**CRM-M-36586-2021 (O&M).
Decided on: March 15, 2022.**

Baljit Kaur

.. Petitioner

VERSUS

State of Punjab

.. Respondent

*** * ***

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

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**PRESENT Mr.Manish Verma, Advocate,
for the petitioner.**

Mr.Randhir Singh Thind, DAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 439 of the Code of Criminal Procedure, seeking regular bail in FIR No.101 dated 15.6.2020, initially registered under Sections 365, 420 and 406 IPC, at Police Station Sadar Khanna, Tehsil Khanna, District Ludhiana, and later challan presented and charges framed under Sections 302, 34 and 201 IPC.

It has been submitted by the learned counsel for the petitioner that petitioner who is a lady of the age of 55 years is in custody since 30.7.2020 and in the present case the investigation has already been

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completed and after presentation of challan before the learned trial Court, the charges have also been framed on 29.3.2021. He submitted that ex-Sarpanch of the village before whom allegedly the petitioner had made extra judicial confession has already been examined. He submitted that it was a case of blind murder and the background of the case was that the daughter of the complainant was married and her husband had gone abroad to Italy and thereafter, another co-accused namely Satinder Singh @ Babbu had repeatedly visited the house of the complainant and the deceased daughter of the complainant namely Gurmeet Kaur went missing and thereafter, the present FIR was lodged against the aforesaid Satinder Singh @ Babbu and it was after a period of 2½ years that the petitioner had allegedly made an extra judicial confession before the ex-Sarpanch of the village on the basis of which the name of the petitioner was nominated in the present case. He submitted that aforesaid Satinder Singh @ Babbu was declared innocent by the police. He submitted that dead body of deceased Gurmeet Kaur was never recovered anywhere and at one point of time, it was found that some bones were recovered near the well of the village and the DSP had filed an affidavit before this Court by stating that the bones recovered were of human being which was factually incorrect and thereafter, the SSP filed another affidavit before this Court by stating that the earlier stand taken by the DSP was erroneous and in fact, in the FSL report, it was stated that it was inconclusive as to whether the bones were of human being or not. He further submitted that in view of the aforesaid facts and circumstances and

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especially in view of the fact that the petitioner who is a lady of the age of 55 years is facing incarceration for about 1 year and 7 months may be considered for the grant of regular bail particularly in view of the fact that the aforesaid ex-Sarpanch has already been examined before the learned trial Court.

Learned State counsel has submitted that it is correct that the petitioner is in custody since 30.7.2020 and the ex-Sarpanch has already been examined before the learned trial Court.

I have heard the learned counsel for the parties.

The subject matter of the present case pertains to a blind murder and the material witness has been examined. The name of the petitioner was nominated on the basis of some extra judicial confession allegedly made by the petitioner before an ex-Sarpanch after a period of 2½ years. It is not the case of the State that in case the petitioner is released on bail then she may influence any witness or may tamper with any evidence or may flee from justice. She has already suffered incarceration for about 1 year and 7 months and the trial of the case may take long time and therefore, this Court is of the considered view that the petitioner is entitled for the grant of regular bail. Accordingly, the present petition is allowed. It is ordered that the petitioner shall be released on bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned.

However, anything observed hereinabove shall not be

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treated as an expression of opinion on merits of the case and is meant only
for the purpose of decision of present petition.

March 15, 2022.
raj arora

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking / reasoned	Yes / No
Whether reportable	Yes / No