

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

**215**

**CRM-M-42573-2021 (O&M)**

**Date of Decision: 22.02.2022**

**BALWINDER KAUR**

... Petitioner

Versus

**STATE OF PUNJAB**

... Respondent

**CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL**

Present: Mr. Ramesh Chand Sharma, Advocate  
for the petitioner.

Mr. Davinder Bir Singh, DAG Punjab.

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**HARNARESH SINGH GILL, J.(Oral)**

Case is taken up for hearing through video conferencing.

Through this petition, the petitioner seeks regular bail in case bearing FIR No.75 dated 21.05.2016, registered at Police Station Sadar Phagwara, District Kapurthala, Punjab, under Sections 307, 324, 452, 34, 120-B IPC and Section 302 IPC (added later on).

Learned counsel for the petitioner submits that the petitioner has been in custody since 28.07.2016; that PW-1 and PW-2, namely, Harpreet Kaur (wife of the complainant) and Amir Singh, while appearing before the trial Court, have not supported the prosecution version and turned hostile and that some of the prosecution witnesses, including the complainant, are yet to be examined.

On the other hand, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel does not dispute the custody period of the petitioner. He, however, submits that the

complainant could not be examined as his whereabouts are not known to the investigating agency. He further submits that the petitioner, in connivance with Pawan Kumar, had actively participated in the occurrence and committed murder of Ram Singh. Still further, it is submitted that the challan was presented on 03.10.2016 and the supplementary challan was presented on 01.03.2019.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 28.07.2016. PW-1 and PW-2 have not supported the prosecution version and turned hostile. Testimony of the complainant is yet to be recorded as his whereabouts are not known. In such circumstance, the trial of the case would take a long time to conclude. Therefore, 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.

**22.02.2022**

*Aman Jain*

**(HARNARESH SINGH GILL)**

**JUDGE**

*Whether speaking/reasoned*

: *Yes/No*

*Whether reportable*

: *Yes/No*