

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-44092-2021
Date of Decision: 14.9.2022

Balwinder Kaur

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Mohd Salim, Advocate
for the petitioner.

Mr. Jaspal Singh Guru, AAG, Punjab

KARAMJIT SINGH, J.

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.124 dated 10.6.2020 registered for the offences punishable under Sections 302, 34 IPC at Police Station Sadar Sangrur, District Sangrur.

Counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and is in custody since 10.6.2020 and is not involved in any other criminal case. He further submits that during the trial, complainant-Chamkaur Singh and his wife Sukhwinder Kaur have not supported the case of the prosecution and that it will take considerable time for the trial to conclude and as such, prayer is made for grant of regular bail to the petitioner.

that the present petitioner and her husband Gurmeet Singh and son committed the murder of Jagrup Singh father of said Gurmeet Singh and the matter was reported to the police by complainant-Chamkaur Singh who was son-in-law of said Jagrup Singh.

State counsel further submits that the trial is going on and as such, at this stage, no ground is made out to grant bail to the petitioner. In support of his contention, State counsel has also relied upon **Kalyan Chandra Sarkar v. Rajesh Ranjan @ Pappu Yadav**; 2004 (2) RCR (Criminal) 254.

I have considered the submissions made by the counsel for the parties.

In the present case, the petitioner was arrested on 10.6.2020 and since then, she is in custody. Admittedly, the petitioner is not involved in any other criminal case. During the trial, complainant-Chamkaur Singh and his wife Sukhwinder Kaur have retracted from their previous statements and not supported the case of the prosecution. It will take considerable time for trial to complete and the petitioner is already in custody for more than 2 years.

The case law referred to by the State counsel is distinguishable from the facts of the case in hand as in the instant case, material witnesses have not supported the prosecution version.

In view of above, as the material witnesses failed to support the case of the prosecution, no purpose is going to be served by keeping the petitioner behind the bars for any longer period.

Thus, without commenting on the merits of the case, the present

petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

September 14, 2022
Paritosh Kumar

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