

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

**CRM-M-47373-2021
Date of decision: 20.04.2022**

Sukhwinder Kaur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Tarundeep Kumar, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 123 dated 26.07.2018, registered under Sections 302, 148, 149 of the IPC at Police Station Hathur, District Ludhiana.

Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of complainant Jaspal Kaur, it is stated that she is married with Avtar Singh @ Papu. Petitioner Sukhwinder Kaur is residing with her brother-in-law Karamjit Singh and two years ago, she has taken Rs. 1000/- from complainant's husband. Petitioner is working in a school and used to prepare the meal under the Midday Meal Scheme. On 26.07.2018, Avtar Singh was coming back from Jagraon after taking medicine and on the way, petitioner met him. The husband of the complainant demanded money from the petitioner, on which,

she denied that she did not owe any money to him. At about 10:15 AM, someone knocked the main gate of the house of the complainant and her husband opened the gate. The complainant saw that the petitioner, her husband Karamjit Singh as well as her son Amritpal Singh were standing and they started arguing with her husband. In the meantime, on hearing the noise, their neighbour Nachhattar Singh, nephew Mandeep Singh and Ex-Sarpanch Parminder Singh also came there. In the meantime, the petitioner caught hold of complainant's husband from his neck and Karamjit Singh raised lalkara and asked Amritpal Singh to teach a lesson for demanding money. Amritpal Singh started hitting her husband with small Kirpan on the left armpit near the neck, due to which, Avtar Singh @ Papu fell down and died on the spot on account of injuries caused by Amritpal Singh.

Learned counsel for the petitioner further submits that the petitioner is a lady aged about 40 years; she is in judicial custody for the last about 03 years and 09 months and since the trial is still at the stage of recording the prosecution evidence, conclusion of trial will take a long time.

Learned counsel for the petitioner further submits that out of total 20 prosecution witnesses, 12 witnesses have already been examined and there is no possibility for the petitioner to tamper with the prosecution evidence at this stage as some of the prosecution witnesses have been given up.

Reply, filed by way of the affidavit of the Investigating Officer, is on record, wherein, after verifying the investigation, it is stated that charges were framed on 20.10.2018 and out of 20 prosecution witnesses, 10 witnesses have been examined and 06 witnesses have been given up.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that the petitioner is a middle aged lady; she is in long judicial custody and also in view of the fact that conclusion of trial is likely to take some time, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate, concerned.

20.04.2022
Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

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