IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

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CRM-M-50510-2021
Date of decision: 14.01.2022

SATYA DEVI .....Petitioner

Versus

STATE OF PUNJAB .....Respondent

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

Present : Mr. K.S.Brar, Advocate
for the petitioner.

Mr. Tanvir Joshi, AAG, Punjab
for the respondent-State.

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SANT PARKASH, J. (ORAL)

The case has been taken up for hearing through video conferencing.

Prayer in this petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner, in case, FIR No. 192 dated 23.08.2021 registered under Section 302 of the Indian Penal Code, 1860 (for short 'the IPC') at Police Station City Kotkapura, District Faridkot to which Section 302 of the IPC was deleted and Section 304 of the IPC was added vide DDR No. 69 dated 24.08.2021.

As per the case of prosecution, on 21.08.2021, the son of complainant namely Kuldeep Singh left his home alongwith co-villager Jagsir Singh and he did not return home for the whole day. The complainant made report to the local police station regarding missing of his son and she later came to know that dead body of her son was recovered from Kotkapura. The complainant showed suspicion that her

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son was made to consume some narcotic/poisonous substance by Jagsir Singh. During investigation, the police apprehended Jagsir Singh who further made disclosure statement that he and deceased Kuldeep Singh were habitual of intoxication and he injected the intoxicant in the arm of Kuldeep Singh due to which he had died. The said intoxicant material was purchased from Satya Devi (petitioner) from Kotkapura.

Custody Certificate dated 13.01.2022 has been sent by learned State Counsel through e-mail, print out of which is taken on record.

Status report by way of affidavit of Ramandeep Singh Bhullar, PPS, Deputy Superintendent of Police, Sub Division Kotkapura, District Faridkot has been sent by learned State Counsel through e-mail, print out of which is taken on record.

I have heard learned Counsel for the parties and gone through the case file.

Learned Counsel for the petitioner has argued that the petitioner has been falsely implicated in the present case. The petitioner was not named in the FIR and was nominated as an accused on disclosure statement of main accused Jagsir Singh @ Seera. No offence is made out against the petitioner. The petitioner is is an old age lady of 60 years and is in custody since 26.09.2021. The trial is likely to take long time due to restrictions imposed to prevent spread of infection of Covid-19. No useful purpose will be served by keeping the petitioner in custody. Therefore, the petitioner may be ordered to be released on regular bail.

On the other hand, learned State Counsel opposed the

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submissions of learned Counsel for the petitioner and has submitted that the petitioner is accused of having provided contraband to the deceased and co-accused Jagsir Singh which became the reason of death of Kuldeep Singh. In view of the gravity of accusation, the petition for grant of regular bail may be dismissed.

Having considered the facts and circumstances of the case, the petitioner being an old age lady, challan in the matter has already been presented, the period of custody of the petitioner and the fact that the trial is likely to take long time due to restrictions imposed to prevent spread of infection of Covid-19 but without expressing any opinion on the merits of case, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of personal and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(SANT PARKASH)
JUDGE

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

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