

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-53992-2022

Date of decision : 29.11.2022

**Daljit Kaur @ Rani**

**..... Petitioner**

**versus**

**State of Punjab**

**..... Respondent**

**CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN**

**\*\*\***

Present :-Mr. Gaurav Sharma, Advocate  
for the petitioner.

Mr. Sarabjit Singh Cheema, DAG, Punjab.

**\*\*\***

**PANKAJ JAIN, J. (ORAL)**

Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.0140 dated 25.12.2021, registered for offence punishable under Section 346 of IPC (Sections 302, 201 and 34 of IPC added later on), at Police Station Longowal, District Sangrur.

2. Learned counsel for the petitioner submits that the FIR was registered against unknown person. Whole of the case is based on circumstantial evidence. The petitioner has been nominated on the basis of confessional statement suffered by Malwinder Singh s/o Sukhdev Singh, who is stated to have committed the crime. Counsel refers to the confession made by said Malwinder Singh (Annexure P-7) to submit that even if the same is taken to be gospel truth on its face value, the same would not constitute offence punishable under Section 302 IPC qua the

petitioner as there is no allegation that the petitioner aided him in committing murder of the deceased Sarabjit Kaur. At the most, the same would constitute an offence punishable under Section 201 IPC. The petitioner is in custody 28.02.2022. Challan already stands presented and thus there cannot be any apprehension that the petitioner shall tamper with the evidence.

3. Mr. Cheema appearing for the State does not controvert the factual assertions made by counsel for the petitioner based on record.

4. Having heard counsel for the parties and having gone through the records of the case, without commenting on the merits thereof and keeping in view the incriminating evidence against the petitioner in form of Annexure P-7 and the prolonged incarceration suffered by the petitioner, the present petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

5. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.

**( PANKAJ JAIN )**  
**JUDGE**

**29.11.2022**  
Dinesh

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|---------------------------|-----|
| Whether speaking/reasoned | Yes |
| Whether Reportable :      | No  |