

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-2448-2023
Date of decision:- 25.09.2023

Satnam Kaur
... Petitioner

Versus

State of Punjab
.. Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

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

Mr.A.P.S. Tung, DAG, Punjab.

Mr.Kuldeep Singh Saini, Advocate
for the complainant.

SUVIR SEHGAL, J. (ORAL)

1. Instant petition has been filed under Section 439 Cr.P.C. seeking grant of post-arrest bail in:-

FIR No.	Dated	Police Station	Sections
37	28.03.2022	Samrala, District Khanna	302, 346, 201, 34 IPC and 25 & 27 of Arms Act.

2. Facts in brief leading to the filing of the present petition are that FIR, Annexure P1 has been registered on the complaint of Manpreet Singh alleging that his brother Surinder Singh has been confined at some unknown place by Laddu. It has been alleged that on 24.03.2022, Surinder Singh went

to factory for work but he did not return. On inquiry, Laddu informed him that he (Surinder Singh) had gone out of station for some factory work and would return in 2 to 3 days time. However, when he did not return home and his mobile was switched off, complaint was lodged.

3. Counsel for the petitioner submits that the motorcycle, which the deceased was driving and his dead body were recovered near a canal and on the basis of an extra judicial confession of Gurpreet Singh, husband of the petitioner, made to Karamjit Singh, petitioner has been implicated as an accused. Counsel submits that the allegation against the petitioner is that she was in an extra marital affair with the deceased and in connivance with her husband, Gurpreet Singh and Vikramjit Singh alias Vicky, a meeting was arranged with the deceased, and he was done to death. Counsel submits that the entire case against the petitioner has been built on the basis of an extra judicial confession, which is a weak type of evidence and the petitioner, who is a 35 year old lady with a six year old child and is in custody since 05.04.2022 deserves to be released from detention.

4. *Per contra*, learned State counsel, who is assisted by ASI Mukhtair Singh and by the counsel for the complainant have opposed the prayer made in the petition. Status report by way of affidavit of Deputy Superintendent of Police, Samrala, Police District Khanna, District Ludhiana has been filed in compliance of the previous order passed by this Court, which is taken on record. State counsel has made a reference to para No.12 of the status report to submit that the petitioner is hand-in-glove with the accused. He submits that recovery of *DATAR*, spade and two motorcycles has been effected from the co-accused. As per his instructions, 2 out of 28

prosecution witnesses have been examined.

5. I have heard and considered the submissions made by counsel for the parties.

6. The culpability of the petitioner, who is a young lady with a minor child, would be determined by the trial Court on the basis of evidence adduced before it. Noticing that the petitioner is in confinement for the last almost 18 months with a remote possibility of an early conclusion of the trial, this Court is of the view that the petitioner deserves to be released on bail.

7. Without advertng to the merits or demerits of the arguments addressed by counsel for the parties, petition is allowed. Petitioner is ordered to be released on bail on furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate, concerned. The petitioner shall furnish a solvent local surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

8. It is clarified that nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

(SUVIR SEHGAL)
JUDGE

25.09.2023
Brij

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No