

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-1459-2023(O&M)
Date of decision:- 31.10.2023

Geeta

... Petitioner

Versus

State of Punjab

.. Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr.Sandeep Verma, Advocate
for the petitioner.

Mr.Sandeep Kumar, DAG, Punjab.

SUVIR SEHGAL, J. (ORAL)

CRM-45320-2023

Application is allowed, as prayed for.

Depositions of Balwinder Singh – PW2 and Dara Singh – PW3,
are taken on record as Annexures P3 and P4.

CRM-M-1459-2023

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
100	26.04.2020	City-1, Abohar, District Fazilka	302, 201, 188, 120-B IPC and Section 51 of Disaster Management Act, 2005.

2. Version of the prosecution is that FIR, Annexure P1, has been
registered on the statement of a ASI, wherein it has been stated that he found

a dead body lying on the road near Khalsa College at about 7:40 a.m. There were some injuries on the body, which indicated that he had been murdered. Attempts to identify the body could not succeed.

3. By making a reference to the reply filed on behalf of respondent – State, counsel for the petitioner contends that petitioner, who is the wife of the deceased has been implicated on the basis of statement of Balwinder Kaur, mother of the deceased. He submits that the dead body was identified by Kashmir Singh and Dara Singh, father and brother of the deceased. Counsel submits that all the three material witnesses have been examined and they have not supported the case of the prosecution. Counsel asserts that the petitioner, who is 32 years of age and is languishing in custody since 4.5.2022 deserves to be enlarged on bail.

4. *Per contra*, State counsel upon instructions from ASI Kulwinder Singh has opposed the petition. He submits that the petitioner was in extra-marital affair with Gagandeep Singh and the deceased had opposed the relationship. He submits that the petitioner in connivance with her paramour and his companions Sukhwinder Singh @ Bundi, Sunny Singh and Vikram Singh @ Som murdered her husband and disposed of the body. State counsel submits that besides the statements of the crucial witnesses, the prosecution possesses sufficient incriminating material to nail the petitioner. As per his instructions, 4 out of 21 prosecution witnesses have been examined.

5. I have heard counsel for the parties and considered their respective submissions.

6. Petitioner who is a young widow, is in confinement for the last

more than three and a half years. Prosecution has yet to examine 17 witnesses and the trial is not likely to conclude in the near future. All the vital prosecution witnesses have been examined. Noticing the length of custody of the petitioner, role allegedly ascribed to her and the stage of the trial, this Court has no hesitation in acceding to the prayer made in the petition.

7. In view of the above, 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 adequate bail/surety bonds 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

31.10.2023

Brij

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