

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

208

CRM-M-3080 of 2023

Date of Decision:21.09.2023

Harjeet Kaur

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Amaninder Singh Sekhon, Advocate,
for the petitioner.

Mr. Sarabjit Singh Cheema, DAG, Punjab

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.38 dated 10.05.2022, under Sections 302/120-B of the IPC (Section 3(2) (v) of SC and ST (Prevention of Atrocities) Act, 1989 added later on vide DDR No. 26 dated 07.07.2022), registered at Police Station Lakhewali, District Sri Muktsar Sahib.

2. Learned counsel for the petitioner submitted that the petitioner is a lady aged 55 years and there is no direct role attributable to the petitioner in the present FIR and even as per the prosecution story. He submitted that an FIR was lodged by one Sukhjinder Singh by alleging that his son has some relations with a girl, namely, Peenu Kaur and as per the allegations, the present petitioner is a relative of the aforesaid Peenu Kaur and the aforesaid son of the complainant was

found dead allegedly due to administering of some poisonous substance but as per the viscera report, Morphine was found from where it is clear that the deceased was a drug addict and he was under the influence of drug and it was a case of over dose of drug. He further submitted that be that as it may, the petitioner was only a relative of the aforesaid co-accused Peenu Kaur and she has already faced incarceration for about one year, four months and two days and the investigation of the case has already been completed and final report under Section 173 of the Code of Criminal Procedure was presented to the competent Court and thereafter the charges were framed. He further submitted that the petitioner is not involved in any other case and has clean antecedents, therefore, she may be considered for the grant of regular bail.

3. On the other hand, Mr. Sarabjit Singh Cheema, learned DAG, Punjab has submitted, on instructions from ASI Amarjit Singh, that so far as the period of custody of the petitioner is concerned, the same is correct. He further submitted that the body of the deceased was found in the house of the petitioner and she was actively involved in causing the death of the deceased. He further submitted that the petitioner is not involved in any other case and has clean antecedents.

4. I have heard learned counsel for the parties.

5. The petitioner is a lady of the age of 55 years It is a case where the petitioner has already faced incarceration for one year, four months and two days and the investigation has already been completed and the charges have been framed as per learned counsels for the parties. The petitioner is stated to be not involved in any other case and has clean antecedents. It is not the case of learned State counsel that in case the petitioner is released on bail, then she may abscond

from justice or may influence the witnesses. Therefore, considering the aforesaid stage of the case and the custody of the petitioner and also the fact that the petitioner is a lady of the age of 55 years, this Court deems it fit and proper to grant bail to the petitioner. Consequently, the present petition is allowed. The petitioner shall be released on regular bail, if not required in any other case, subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

6. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of the present petition.

(JASGURPREET SINGH PURI)
JUDGE

September 21, 2023
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Whether speaking	:	Yes/No
Whether reportable	:	Yes/No