

217.

2023:PHHC:103261

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CRM-M-10672-2023

Date of decision: 09.08.2023

Sukhpal Kaur

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. Satbir Singh Gill, Advocate,
for the petitioner.

Mr. Gurbir Singh Dhillon, AAG, Haryana.

FIR No.	Dated	Police Station	Section/s
0499	14.09.2022	City Mandi Dabwali, District Sirsa	306 of IPC

VIKAS SURI, J. (Oral)

1. The petitioner has filed the present petition under Section 439 Cr.P.C seeking grant of regular bail in the above-captioned case.
2. Custody certificate of the petitioner dated 08.08.2023, showing the actual undergone period as 10 months, has been filed by learned State counsel in Court today. The same is taken on record. A copy thereof supplied to learned counsel for the petitioner.
3. Learned counsel for the petitioner would argue that the petitioner has been in custody since 09.10.2022 and has been incarcerated for more than 10 months. Petitioner and her husband Hardev Singh (deceased) did not have a settled matrimonial relationship and the complainant has falsely implicated her in the present case. It is further submitted that the

petitioner had gone to her parents house at Village Dabwali whereas her matrimonial home was at Hisar. The deceased had travelled from Hisar to her parents house along with their minor son Rishi Pal.

4. Learned counsel for the petitioner would also refer to para 3 of the status report dated 12.05.2023 filed in this case, wherein it has been averred that during further course of investigation on 17.09.2022, Hardev Singh and her son Rishipal are seen in the video footage taking petrol in a plastic bottle from Radha Swami Petrol Pump, Village Mirpur. Learned counsel would further argue that the ingredients of Section 306 IPC are not made out against the petitioner. He further submits that petitioner is a first time offender and has clean antecedents.

5. *Per contra*, learned State counsel opposes the bail, however, is not in a position to dispute the contents of reply dated 12.05.2023, in particular the facts mentioned in para 3 thereof. It is further submitted that charges have been framed and trial is underway. None out of 22 cited witnesses have been examined so far.

6. I have heard learned counsel appearing on behalf of the respective parties and with their able assistance, have gone through the custody certificate and record of the case.

7. Having considered the submissions of learned counsel for the parties and keeping in view the actual custody period undergone by the petitioner; that trial is not likely to conclude in the near future as out of 22 witnesses cited by the prosecution, none has been examined till date; allegations are yet to be proved during the course of trial; and the antecedents

of the petitioner, not being involved in any other criminal case as per the custody certificate, I deem it appropriate to enlarge the petitioner on bail.

8. The instant petition is allowed and petitioner-Sukhpal Kaur is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate concerned.

9. It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

10. However, any observation made herein shall not be construed as an expression of opinion on merits of the case.

(VIKAS SURI)
JUDGE

August 09, 2023

sanjeev

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No