IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(205) **CRM-M-12494-2023**
Date of Decision : March 20, 2023

Kulwinder Kaur **.. Petitioner**

Versus

State of Punjab **.. Respondent**

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Amandeep Chhabra, Advocate, for the petitioner.

Mr. Gurvinder Singh, Assistant Advocate General, Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

Present petition has been filed under Section 439 Cr.P.C for the grant of regular bail to the petitioner in respect of FIR No.124 dated 09.10.2019 registered under Section 304-B of the IPC (Section 316 IPC added later on) at Police Station Nurpur Bedi, District Rupnagar, Punjab.

Learned counsel for the petitioner argues that only allegation against the petitioner being the mother-in-law of the deceased Rajvir Kaur, is with regard to the demand of dowry in the form of a Bullet motorcycle and money. Learned counsel for the petitioner submits that the said allegation is yet to be proved and the petitioner is behind the bars for the last more than three years and five months. Learned counsel for the petitioner further submits that even as of now, the trial is at such a stage that

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out of 20 cited witnesses, only 13 have been examined, hence, the trial is likely to take some time before it concludes, hence, keeping in view the custody already undergone coupled with the fact that the material witnesses have already been examined, the petitioner be granted the concession of regular bail.

Notice of motion.

Mr. Gurvinder Singh, learned Assistant Advocate General, Punjab, who is present in the Court, accepts notice on behalf of the respondent-State.

Learned counsel for the respondent-State, on the instructions from ASI Daljit Singh, concedes the fact that the complainant has already been examined and the petitioner is behind the bars for the last more than three years and five months. Learned State counsel also concedes the factum that out of 20 cited witnesses, only 13 have been examined so far.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

The petitioner is behind the bars for the last more than three and half years approximately. The allegation against the petitioner is for the demand of dowry in the form of Bullet motorcycle and money, which fact is yet to be proved on the basis of the evidence, which will come on record.

Keeping in view the fact that out of 20 cited witnesses, only 13 have been examined so far, the trial is likely to take some time before it concludes and no useful purpose will be solved in keeping the petitioner behind the bars during the entire period of trial especially when learned counsel for the petitioner has undertaken before this Court that in case the

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petitioner is granted the concession of regular bail, she will not influence the trial or the witnesses in any manner and in case of default of the above undertaking, State will be at liberty to approach this Court for passing appropriate orders.

In view of the above and without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, subject to the satisfaction of the trial Court/Duty Magistrate concerned.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

March 20, 2023 **(HARSIMRAN SINGH SETHI)**
harsha **JUDGE**

Whether speaking/reasoned : Yes
Whether reportable : Yes

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