

IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH

210

CRM-M-12600-2022 (O&M)

Date of Decision: 02.08.2023

KAMLESH KAUR @ PREETI

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Kuldeep V. Singh, Advocate
for the petitioner.

Mr. CL Pawar, Additional AG Punjab.

HARNARESH SINGH GILL, J.(Oral)

CRM-31608-2023

Application is allowed, as prayed for.

Annexures P-7 and P-8 are taken on record.

Registry is directed to tag the same at an appropriate place.

CRM-M-12600-2022

Through this second petition, the petitioner seeks regular bail in case bearing FIR No.199 dated 07.07.2020, registered under Section 460 IPC and Sections 120-B, 411 and 34 IPC (added later on), at Police Station City Phagwara, District Kapurthala, the first one having been dismissed as withdrawn vide order dated 29.11.2021.

Learned counsel for the petitioner submits that the petitioner is the daughter-in-law of Hans Raj Basra, whose murder was committed on 07.07.2020; that the FIR was registered against unknown persons; that the only allegation against the petitioner is that she and her sister, namely,

Sudesh Kaur, have given their confessional statements before one Madan Lal regarding their involvement in the present case and that said Madan Lal, while appearing before the Court below as PW-3 on 11.05.2023 has specifically stated that (i) he has not given any statement to the Police (ii) the son of the deceased was present at the spot and (iii) the lock of the Almirah was broken.

Learned counsel for the petitioner further submits that the petitioner is a married lady and having a minor daughter; that the petitioner has been in custody since 07.07.2020; that co-accused, namely, Sudesh Kaur, has already been granted the concession of regular bail by this Court vide order dated 06.08.2021 and that out of total 21 prosecution witnesses, only 3 have been examined so far.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel does not dispute the custody period of the petitioner. He, however, submits that the petitioner has committed a heinous crime; that the petitioner had actively participated in the occurrence, inasmuch as, she along with her sister has committed mother of her disabled father-in-law, who was lying on the bed and that the petitioner has taken away the money, which was received after selling a property and was lying in the almirah. He further submits that material witnesses are yet to be examined and thus, the petitioner be not granted the concession of regular bail.

I have heard the learned counsel for the parties.

The petitioner is a married lady and having a minor daughter.

The petitioner has been in custody since 07.07.2020. Co-accused has already been enlarged on bail. Madan Lal, against whom the petitioner is alleged to have given her confessional statement, in his statement before the Court below as PW-3, has stated that he has not given any statement to the Police. Most of the prosecution witnesses are yet to be examined. In such circumstances, the trial of the case would take a long time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above and without commenting anything on the merits of the case, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on her furnishing bail/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

02.08.2023

Aman Jain

(HARNARESH SINGH GILL)**JUDGE**

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*