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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-15102-2023 (O&M)
Date of decision : 12.07.2023

Bimla Devi ... Petitioner(s)

Versus

State of Punjab ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Ajay Pal Singh Rehan, Advocate for the petitioner.

Mr. M.S. Tiwana, AAG Punjab.

ALKA SARIN, J. (ORAL)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.137 dated 31.08.2022 under Section 304-B of the Indian Penal Code, 1860 registered at Police Station Sadar Hoshiarpur, District Hoshiarpur.
2. Learned counsel for the petitioner would contend that the petitioner is a 71 years' old lady and has falsely been implicated in the present case and further that the complainant i.e. mother of the deceased as well as her brother have not supported the case of the prosecution, when they stepped into the witness box. Learned counsel for the petitioner would further contend that the petitioner has already been in custody for a period of

10 months and 11 days and that she has absolutely clean antecedents and that out of 16 witnesses only 04 have been examined.

3. Learned counsel for the State has filed the custody certificate and as per the custody certificate the petitioner has been in custody for a period of 10 months and 11 days. Learned counsel for the State, on instructions from ASI Sewak Singh is not in a position to deny the fact that neither the complainant nor the brother of the deceased has supported the case of the prosecution. Further, learned counsel is also not in a position to deny the fact that out of 16 witnesses only 04 have been examined and there is no other case pending against her.

4. Heard.

5. In the present case the petitioner is a 71 years' old lady and has been in custody for a period of 10 months and 11 days. The complainant as well as the brother of the deceased, who stepped into the witness box, had not supported the case of the prosecution which fact has also been admitted by the counsel for the State. Out of 16 witnesses only 04 have been examined and there is no other case pending against the petitioner.

6. In view of the above and considering the fact that the trial is likely to take some time to conclude, without commenting upon the merits of the case, this Court deems this to be a fit case to grant the concession of regular bail to the petitioner. The petitioner is directed to be released on bail subject to her furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Additional Sessions Judge (Duty) concerned.

7. However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioner is found to be misusing the concession of bail in any manner.
8. It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.
9. Disposed off. Pending applications, if any, also stand disposed off.

12.07.2023
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO