

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

210

CRM-M-18159-2023
Date of Decision: 18.12.2023.

SHELLY

....PETITIONER

VS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Akash Manocha, Advocate
for the petitioner.

Mr. Shubham Kaushik, AAG, Punjab.

HARKESH MANUJA, J. (ORAL)

By way of present petition filed under Section 439 of the Code of Criminal Procedure, 1973, petitioner prays for grant of regular bail in case FIR No.115 dated 04.08.2021 under Sections 302 and 34 IPC registered at Police Station Verka, Police Commissionerate Amritsar, Amritsar (Pb.).

As per the FIR, allegations levelled against the petitioner are that she along with her other co-accused Ravi and Ashwani Kumar called the deceased to their house and murdered him. Learned counsel for the petitioner submits that the investigation in the present case already stands concluded with the filing of challan way back on 29.10.2021, however, even after expiry of more than 02 year & 02 months of the conclusion of investigation, the trial has not gone ahead as only one prosecution witnesses has been examined so far. Learned counsel further submits that petitioner is already behind the bars for a period of more than 02 years 04 months as of now and the conclusion of the trial is likely to take some

time. From the perusal of record, it can be seen that delay in trial is not attributable to the petitioner, thus, the petitioner deserves concession of regular bail.

On the other hand, learned State counsel opposes the prayer made herein while submitting that there are direct allegation against the petitioner of having called the deceased to her house from where the dead body was recovered. He also submits that the murder of Jagtar Singh was a result of some relationship with the petitioner.

I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the petitioner.

In the present case, petitioner is behind the bars for a period of 02 year, 04 months, the investigation already stands concluded with the filing of challan way back on 29.10.2021, followed by farming of charges on 22.12.2021 however, even after expiry of 02 year and 4 months, there is no headway in the trial as such the same is definitely going to take some time and therefore, there does not appear to be any justification for extending the incarceration of the petitioner any further.

Without commenting anything on the merits, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on her furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

However, nothing expressed hereinabove shall be construed as an expression on the merits of the case.

18.12.2023

pry

(HARKESH MANUJA)
JUDGE

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