

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

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CRM-M-21797-2023 (O&M)

Date of decision: 25.07.2023

Gurjit Kaur and Another

....Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Sunny Sagar, Advocate for the petitioner

Mr. H.S. Sullar, Sr. DAG Punjab

AMAN CHAUDHARY, J.

1. The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in case FIR No.37 dated 11.04.2022, registered under Sections 302, 34 and 201 IPC IPC, at Police Station Sadar Patti, District Tarn Taran.

2. Learned counsel contends that the petitioners-mother and her 24 years old daughter, are in custody for the last 1 year and 3 months. It is a case based on extra judicial confession allegedly made to Baghicha Singh (complainant) but has not supported the prosecution version while appearing as PW-1. They allege false implication as the PMR of the deceased also negates the prosecution version. The petitioners have no criminal antecedents. Besides the complainant, 3 more private witnesses have been examined, including the brother of the deceased as PW2 and two other witnesses, who had allegedly accompanied the complainant when he went to the police station to get his statement recorded, but also did not support the case. There are 24 more prosecution witnesses to be examined.

3. The custody certificates dated 24.07.2023 have been filed by learned

State counsel. As per the same, the petitioners are behind bars for the last 1 year, 3 months and 10 days.

4. Learned State counsel opposes the bail on the ground that there are serious allegations against the petitioners of having conspired and actively participated in the commission of the offence. He is however unable to controvert the submissions with regard to stage of case, complainant and other witnesses examined did not support the prosecution version and the petitioners not being involved in any other case.

5. Heard.

6. Considering the facts and circumstances of the case, in particular that the petitioners are in custody for the last 1 year, 3 months and 10 days; are not involved in any other case; besides the complainant, 3 more private witnesses have been examined; 24 more witnesses remain to be examined, the trial is likely to take a considerable time, thus his further incarceration would not serve any useful purpose, the present petition for grant of regular bail deserves to be allowed.

7. As a result, the present petition is allowed. The petitioners are ordered to be released on regular bail, subject to their furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned and subject to their not being required in any other case. The petitioners shall abide by the following conditions:-

- (i) The petitioners will not tamper with the evidence during the trial.
- (ii) The petitioners will not pressurize/ intimidate the prosecution witnesses.
- (iii) The petitioners will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.

- (iv) The petitioners shall not commit an offence similar to the offence of which, they are accused, or for commission of which they are suspected of.
- (v) The petitioners shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.
- (vi) The petitioners shall not in any manner misuse his liberty.
- (vii) The petitioner shall furnish their address and mobile number to the Trial Court forthwith and shall not change the same till the conclusion of the trial and in case for any reason, the petitioners seek to change any of the aforesaid, the same shall be done only with prior intimation to the learned Trial Court, stating the reason for the same.
- (viii) The petitioners shall not leave the country without prior permission of the trial Court.
- (ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioners.

8. It is made abundantly clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioners by this order.

9. In view of the above, it is clarified that the observations made herein are limited for the purpose of present proceedings and would not be construed as an opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

(AMAN CHAUDHARY)
JUDGE

July 25, 2023

M.Kamra

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No