

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
CRM-M-32055-2023 (O&M)
Date of decision: 17.07.2023

Rupinder Kaur ...Petitioner
VS
State of Punjab ...Respondent

CORAM: HON’BLE MR.JUSTICE ARUN MONGA

Present: Mr. J.K.Singla, Advocate,
For the petitioner.

Ms. Guramrit Kaur, DAG, Punjab.

ARUN MONGA, J. (ORAL)

Aggrieved on being declined bail by learned trial Court, petitioner seeks her release as an undertrial in criminal case bearing FIR No.99 dated 20.10.2022, registered under Sections 365, 120-B IPC and later on offence under Sections 302, 201, 473 of IPC was added at Police Station Joga, District Mansa.

2. Per FIR, on 20.10.2022, ASI Naib Singh along with his police party, on board official vehicle was present on bank of Canal in the area of village, Ralla, when he received a secret information that Rupinder Kaur (petitioner), residing with her paternal family after a dispute with her husband Jagsir Singh had illegally confined her brother Jiwan Singh, in order to inherit/usurp property as sole legal heir, in connivance with Birbal Singh and Davinderpal Singh. Petitioner was later arrested on 22.10.2022.

3. Learned counsel for petitioner submits challan was presented way back and charges have been framed. He submits that petitioner is 33 years, married woman and states that on one hand she has lost her brother and on the other her old grieving parents are being deprived of her care and attention in her absence since she has been in incarceration for the past more than 8 months. She is the only one to look after them. Further more, statements of prosecution witnesses namely, Ravinder Singh, Harpreet Kaur, Baldev Singh contained at Annexures P-

2, P-3 and P-5 respectively reveal that they have turned hostile and have not supported the prosecution version. The same is not controverted by learned State counsel. Learned counsel for the petitioner submits based on the evidence so far brought on record, the trial is likely to result in acquittal of the petitioner. He submits that petitioner is in custody since 22.10.2022.

4. Learned State counsel strenuously opposes the instant petition. She on instructions from ASI Gurcharan Singh submits though material witnesses have turned hostile, but still there is scientific evidence on the file suggestive of petitioner's involvement. During investigation, weapon used in crime was recovered at the instance of accused, with blood stains on it. She does not deserve concession of bail at this stage.

5. I have heard learned counsel for the parties and gone through the case file.

6. Petitioner is in custody since 22.10.2022. Investigation is complete *qua* the petitioner. Challan has been presented. Charges have been framed. Trial is still likely to take long time, whereas petitioner has already been languishing in jail for the past more than eight months in preventive custody.

7. Given her family background, there is no likelihood that petitioner might flee or not appear in Court if released on bail. Allegations against petitioner are a matter of trial. Bail allows an accused to maintain his/her freedom until his/her guilt or innocence is determined.

7. Considering the overall scenario, particularly the star prosecution witnesses having not supported the prosecution version, but at the same time, without commenting on merits of the case, the instant petition is allowed. I am of the view that no useful purpose would be served to keep petitioner in further preventive custody.

8. Accordingly, petitioner is ordered to be released on bail on her furnishing bail bonds and surety bonds to the satisfaction of learned trial Court,

where her case is being tried and in case he/she is not available, before learned Duty Judge, as the case may be.

9. In case, petitioner is found to be involved or gets involved in any offence while on bail, the prosecution shall be at liberty to seek cancellation of her bail in the instant case.

10. It is made clear that any observations and/or submissions noted hereinabove shall not have any effect on merits the case as the same are for the limited purpose of bail hearing alone and learned trial Court shall proceed without being influenced with this order.

11. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

17.07.2023
Vandana

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