

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-32859-2023 (O&M)
Date of Decision: 17.07.2023

Sarabjit Kaur

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Ranjit Singh Sidhu, Advocate, for the petitioner.

Mr. Rajiv Verma, DAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in FIR No.155 dated 07.08.2021, under Sections 364, 34 IPC and Section 302, 201 IPC added lateron, registered at Police Station Bhawanigarh, District Sangrur.

2. Learned counsel for the petitioner has submitted that the petitioner is a lady of the age of 28 years and she is in custody from 22.09.2022 which is almost 10 months. He submitted that as per the allegations the accused persons, namely, Harjit Singh and two more accused persons had beaten up one deceased Ramjit Singh on the ground that the aforesaid deceased Ramjit Singh was harassing the petitioner. He submitted that even as per the prosecution story, the petitioner was not even present on the spot and it is yet to be seen at the time of trial as to whether the other co-accused were sent by the petitioner or not and investigation of the case has already been completed and thereafter challan has been presented before the competent Court and even the charges

have also been framed. He submitted that in view of the aforesaid facts and circumstances especially considering the fact that the petitioner is a lady of the age of 28 years, she may be considered for the grant of regular bail.

3. On the other hand, Mr. Rajiv Verma, DAG, Punjab has submitted that so far as the custody period of the petitioner is concerned, the same is correct and it is also correct that even as per the prosecution the petitioner was not present on the spot and the allegations were that the accused persons had killed Ramjit Singh because deceased Ramjit Singh was harassing the petitioner and one of the accused, namely, Harjit Singh is the brother of the present petitioner. He submitted that in view of the seriousness of the offence, the petitioner is not entitled for the grant of regular bail.

4. I have heard the learned counsel for the parties.

5. It is a case where the petitioner is a lady of the age of 28 years and even as per the prosecution, the petitioner was not present on the spot and the allegations were that her brother alongwith other two co-accused had killed one Ramjit Singh on the ground that the deceased Ramjit Singh was harassing the petitioner. The investigation of the case has already been completed and now the charges have already been framed. Furthermore, it is not the case of the State that in case the petitioner is released on bail, then she may influence any witness or may tamper with evidence or may flee from justice. Therefore, considering the aforesaid facts and circumstances and also the fact that the petitioner is a lady of the age of 28 years, this Court deems it fit and proper to grant regular bail to the petitioner.

7. Consequently, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the

satisfaction of the learned trial Court/Duty Magistrate concerned.

8. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

17.07.2023

rakesh

Whether speaking
Whether reportable

(JASGURPREET SINGH PURI)
JUDGE

: Yes/No
: Yes/No