

CRM-M-36088-2023

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRM-M-36088-2023 (O & M)****Date of decision: 02.08.2023**

Manjit Kaur

.... Petitioner

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDIPresent: Mr. Amit Arora, Advocate,
for the petitioner.

Mr. Harkanwar Jeet Singh, AAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail to the petitioner in case FIR No.143 dated 13.08.2019 under Sections 302, 34 IPC registered at Police Station Goindwal Sahib, District Tarn Taran.

2. The allegations as per the FIR are that the deceased-Sarabjit Singh had died after suffering an electric shock and that the deceased-Sarabjit Singh has been killed by electrocution by his wife, namely, Manjit Kaur (petitioner) in connivance with Raj Singh (since granted bail vide order dated 12.05.2023 passed in CRM-M-23213-2023) and Rajesh Kumar (since granted bail by this Court vide order dated 11.05.2023 passed in CRM-M-22851-2023), who is the brother in law of the deceased.

3. The learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the present case. In fact, it has

been *prima facie* found after the assessment of her mental health from the

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Institute of Mental Health, Amritsar, that she was suffering from “Psychosis” and was of unsound mind as was evident from the orders passed by the Sessions Judge, Tarn Taran dated 13.07.2022 and 12.07.2023 (Annexure P-3 and P-4 respectively). In terms of Sections 329 and 330 Cr.P.C., the petitioner was entitled to the concession of bail being of unsound mind. Two co-accused of the petitioner, namely, Raj Kumar and Rajesh Kumar had been granted the concession of bail by this Court. 05 out of the 16 prosecution witnesses stood examined including all the material witnesses. Therefore, there was no possibility of the petitioner tampering with the evidence or influencing the witnesses. As the petitioner was in custody since 27.08.2019 and the trial was not likely to proceed further till there was a conclusive assessment of her mental condition, she was entitled to the concession of bail.

4. The learned counsel for the State has not denied the arguments as raised by the learned counsel for the petitioner. He, however, contends that in view of the serious nature of the allegations levelled against the petitioner, she was not entitled to the concession as prayed for.

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

6. *Prima facie* it appears from the record that the petitioner is of unsound mind, and therefore, currently unfit to stand trial. Therefore, the trial against her has been separated from that against her co-accused. In the trial against the petitioner, 05 out of the 16 prosecution witnesses have been examined whereas in the case/trial against her co-accused 06 out of 16 prosecution witnesses stand examined.

Be that as it may, all the material witnesses have been

examined. The petitioner is stated to be in custody since 27.08.2019. As the

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trial against the petitioner is not likely to be concluded anytime soon, her further incarceration is not required, moreso, when her two co-accused, namely, Raj Kumar and Rajesh Kumar have been granted the concession of bail.

8. In view of the facts and circumstances of the present case and without commenting upon the merits of the case, it is directed that the petitioner-Manjit Kaur be released on regular bail, subject to the satisfaction of the trial Court/Duty Magistrate concerned.

(JASJIT SINGH BEDI)
JUDGE

August 02, 2023
sukhpreet

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