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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-40334-2023
Date of decision: 24.08.2023

BALWINDER KAUR @ PATIA WALI

...Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Harmanpreet Singh, Advocate
for the petitioner.

Mr. Sarabjit Singh Cheema, DAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No. 109 dated 30.07.2020, under Sections 302, 326, 328, 379, 411, 201, 120-B of the IPC and Sections 61-1-14 of the Excise Act (initially under Section 304 of the IPC and Section 61 of the Punjab Excise Act, 1914), registered at Police Station Tarsikka, District Amritsar Rural, Punjab.

2. Learned counsel for the petitioner has submitted that the petitioner is in custody for the last about three years and she is a lady of the age of 45 years. He further submitted that the allegations against the petitioner and the other co-accused were that they were instrumental in supplying illicit liquor to various persons and there was a tragedy, whereby about 17 people died by

consuming illicit liquor. He further submitted that it is yet to be examined at the time of trial as to whether it was within the knowledge of the petitioner pertaining to the fact that the liquor was illicit or not and even otherwise also only 10 prosecution witnesses have been examined till date and total cited prosecution witnesses are 183 in number. He further submitted that the trial of the case will take a long time to conclude and the petitioner has already faced incarceration for about three years. He further submitted that the date on which the alleged occurrence has taken place, even the husband of the petitioner had died due to consumption of illicit liquor and therefore she herself was the victim of the same. He further submitted that six other co-accused have been extended the benefit of regular bail by this Court.

3. On the other hand, Mr. Sarabjit Singh Cheema, DAG, Punjab has submitted that it is correct that the petitioner is in custody for the last about three years and only 10 prosecution witnesses have been examined till date out of total 183 cited witnesses. He has however opposed the grant of regular bail to the petitioner on the ground that in the incident which had occurred, as many as 17 people lost their lives due to consumption of illicit liquor and the present petitioner was the main accused, who had distributed the illicit liquor to various persons, who died by consuming the same.

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

5. The petitioner is a lady of the age of 45 years and is in custody for the last about three years. Out of the total 183 cited prosecution witnesses, only 10 have been examined till date. Learned counsel for the petitioner has submitted that even the husband of the petitioner had died by consuming illicit

liquor and it is also the argument of learned counsel for the petitioner that at the time of trial it is to be ascertained as to whether there was any knowledge to the petitioner that the aforesaid liquor was illicit or not. During the course of arguments, learned counsel for the petitioner has also stated that two sons of the petitioner were also co-accused, out of which one son has died while in custody during the pendency of the trial.

6. This Court is of the view that although the offence involved in the present case is very serious in nature but considering the aforesaid totality and circumstances of the case, this Court deems it fit and proper to grant regular bail to the petitioner, especially in view of the long custody of the petitioner, which is about three years and only 10 prosecution witnesses have been examined till date out of total 183 cited witnesses and six other co-accused have already been extended the benefit of regular bail by this Court, this Court is of the view that it will be in the interest of justice 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 bonds 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 the merits of the case and is meant for the purpose of deciding the present petition only.

24.08.2023
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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