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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-40510-2023
Date of decision: 24.08.2023

KRISHNA DEVI

...Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Rohit Joshi, 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.32 dated 07.05.2023, under Section 306 of the IPC (Section 120-B of the IPC added later on), registered at Police Station Hajipur, District Hoshiarpur, Punjab.

2. Learned counsel for the petitioner has submitted that the petitioner is the lady of the age of 65 years and she is in custody from 20.05.2023, which is almost three months. He further submitted that the petitioner was not named in the FIR and it was a case where dead body of one Vikas Dutta @ Lada was found on the basis of the fact that he had consumed some poisonous substance. He further submitted that the prosecution has made up a story that a gang was

formed for extracting money from innocent people by honey trap, in which the petitioner was also included. He further submitted that so far as the present petitioner is concerned, her name has surfaced on the basis of disclosure statement of another co-accused, namely, Charanjit Kaur, whose name was nominated on the basis of the supplementary statement. The aforesaid Charanjit Kaur has already been extended the benefit of regular bail by this Court in CRM-M-36873-2023 on 04.08.2023 vide Annexure P-4. He further submitted that so far as the present petitioner is concerned, she is not only at parity with the aforesaid co-accused Charanjit Kaur but is rather at better footing because the petitioner was nominated on the basis of the disclosure statement of aforesaid Charanjit Kaur. He further submitted that in view of the aforesaid facts and circumstances, the petitioner may be considered for grant of regular bail.

3. On the other hand, Mr. Sarabjit Singh Cheema, DAG, Punjab has submitted that it is correct that the petitioner is a lady of the age of 65 years and is in custody from last about three months. He further submitted that it is also correct that the name of the petitioner was nominated on the basis of disclosure statement of aforesaid co-accused, namely, Charanjit Kaur, who has already been extended the benefit of regular bail by this Court. He further submitted that the petitioner was also a part of the gang, which wanted to extract money from the deceased and therefore she is involved in the present offence.

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

5. The petitioner is a lady of the age of 65 years and is already in custody from 20.05.2023, which is about three months and as per learned

counsel for the parties, investigation of the case has already been completed and challan has also been presented before the competent Court. As per learned counsel for the parties, the name of the petitioner was nominated on the basis of disclosure statement of co-accused, namely, Charanjit Kaur, who has already been granted bail by this Court vide Annexure P-4 as aforesaid.

6. Therefore, considering the aforesaid totality and circumstances of the case, 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 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