

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

223

CRM-M-40452-2023

Date of decision: 20.11.2023

Baljit Kaur

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Ms. Priyanka Sharma, Advocate
for the petitioner.

Mr. Mohit Kapoor, Addl. A.G., Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.51 dated 19.08.2019 under Sections 302, 120 of the IPC registered at Police Station Taragarh, District Pathankot.

2. Learned counsel for the petitioner inter alia contends that the petitioner has been in custody since 30.08.2019 in a case resting on circumstantial evidence. She submits that the FIR in question was registered against unknown persons and no suspicion even by way of a whisper had been raised against the possible involvement of the petitioner in the murder of her father in law, Gulzar Singh (hereinafter referred to as 'deceased'). Learned counsel submits that after about 10/11 days of the murder of the deceased, the investigating agency nominated the petitioner as an accused, for allegedly conspiring with her paramour i.e. co-accused Surinder Kumar Singh, to eliminate the deceased as he had come to know about their illicit relations. Learned

counsel submits that as on date only 14 prosecution witnesses out of the 24 cited, including the material witnesses stand examined and hence there is no likelihood of the trial concluding in the near future. It has also been submitted that co-accused Surinder Kumar Singh has since been extended the concession of bail by this Court vide order dated 13.10.2023 and hence the petitioner, who is better placed than co-accused Surinder Kumar Singh, also deserves to be extended the concession of same relief.

3. Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions, has submitted that the petitioner had illicit relations with co-accused Surinder Kumar Singh, who after conspiring with her, entered the house of the deceased and strangled him to death. Learned State counsel has, however, not disputed that 10 prosecution witnesses still remain to be examined and the next date fixed before the Trial Court is 30.11.2023 when some more witnesses are likely to step into the witness box. It has also not been disputed by the learned State counsel that co-accused Surinder Kumar Singh, who allegedly strangled the deceased, had since been extended the concession of bail by this Court.

4. I have heard learned counsel for the parties and perused the material placed on record.

5. The petitioner has been in custody since 30.08.2019 in a case resting on circumstantial evidence. The trial has not concluded till now on account of reasons not attributable to the petitioner as prosecution evidence is still underway. This Court, in the facts and

circumstances as enumerated hereinabove especially keeping in view the long custody period of the petitioner and also the fact that all the material witnesses stand examined, deems it fit to extend the concession of bail to her.

6. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on her furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

20.11.2023

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(MANJARI NEHRU KAUL)
JUDGE

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