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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-48270-2023
Date of decision: 29.09.2023

SALMA

...Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Jaspreet Singh Brar, 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 a lady of the age of 25 years and is in custody from 29.05.2023, which is about 4 months and the investigation of the case has already been completed and challan has also been presented before the competent Court. He further submitted that as per the allegations, the complainant got information with regard to the fact that one Vikas Dutta had consumed some poisonous substance

near a canal. It was thereafter during the course of investigation that supplementary statement of the complainant was recorded in which the complainant named co-accused-Manaro @ Krishna Devi, who was arrested on 20.05.2023 and thereafter on her disclosure statement, the name of the petitioner was nominated along with various other accused as well. He also submitted that the other co-accused, namely, Mangat Masih and Gurwinder Singh @ Nikka have already been extended the benefit of interim anticipatory bail by this Court vide Annexures P-2 and P-4, respectively, and co-accused, namely, Charanjit Kaur, Honey Kumar and Hadainta @ Hadeetya have already been extended the benefit of regular bail by this Court vide Annexures P-3, P-5 and P-6, respectively. He further submitted that the entire case is based upon suspicion and also on the basis of disclosure statement of co-accused, wherein the name of the petitioner was nominated and therefore the petitioner may be considered for grant of regular bail.

3. On the other hand, Mr. Sarabjit Singh Cheema, DAG, Punjab, on instructions from ASI Om Parkash, has submitted that although the aforesaid co-accused have been granted the concession of interim anticipatory bail and regular bail by this Court as aforesaid but the petitioner was the main accused in the present case and therefore is not entitled for grant of regular bail.

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

5. The petitioner is a lady of the age of 25 years and is in custody from 29.05.2023, which is about 4 months. Some of the other co-accused, who were also nominated on the basis of disclosure statement have already been granted the concession of interim anticipatory bail and regular bail by this Court

vide Annexures P-2 to P-6 as aforesaid and even otherwise also the investigation of the case has already been completed and the challan has also been presented before the competent Court.

6. Therefore, considering the aforesaid totality and circumstances of the present 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, if not required in any other case, 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.

29.09.2023
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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