

233 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-48264-2023 (O&M)

Date of Decision:29.11.2023

Sukhwinder Kaur @ Sukhi

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. P.B.S. Goraya, Advocate for the petitioner.

Mr. Gurdarshan Singh Sidhu, Asst. A.G. Punjab.

Mr. M.B. Rajwade, Advocate for
Ms. Shubreet Kaur, Advocate for the complainant.

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 case bearing FIR No.12 dated 23.01.2023 registered under Sections 302, 452, 457, 148 and 149 IPC at Police Station Sarhali, District Tarn Taran.

2. Learned counsel for the petitioner submitted that the petitioner is a lady aged 48 years and she is in custody since 12.02.2023, investigation in the present case is completed and challan stands presented. Learned counsel for the petitioner also submitted that the allegations in the FIR are that the petitioner alongwith the other co-accused had killed the deceased namely Baljinder Singh and even a perusal of the FIR would show that the petitioner had been shown to be empty handed and only *lalkara* has been attributed to the petitioner and she has been impleaded only by virtue of the fact that she is the wife of Harjit Singh who is also a co-accused in the present case and has suffered incarceration for

more than nine months and specially being a lady, she may be considered for grant of regular bail in the present case.

3. On the other hand, learned State counsel has stated that the petitioner is in custody since 12.02.2023, investigation of the case has been completed and challan stands presented. So far as the role of the present petitioner is concerned, he also submitted that only raising a *Lalkara* is attributed to the present petitioner.

4. Learned counsel appearing on behalf of the complainant has submitted that the material witnesses are yet to be examined and therefore the petitioner is not entitled for grant of regular bail.

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

6. It is a case where the petitioner is a lady of 48 years of age and as per the FIR also the role attributed to the petitioner is raising a lalkara and she is stated to be empty handed. The investigation in the present case has been completed and the challan already stands presented. The trial of the case would take time to conclude. Furthermore, it is neither the case of the State nor it has been argued by the learned State counsel that in case the petitioner is released on bail then he may abscond or flee from justice or may influence the witness or may tamper with the evidence. Therefore, considering the aforesaid facts 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 and the petitioner is ordered to be released on regular bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.

8. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of the present petition.

(JASGURPREET SINGH PURI)
JUDGE

29.11.2023
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No