

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-48955 of 2023

DATE OF DECISION :- 03.10.2023

Baljinder Kaur

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present:- Mr. Sahil Choudhary, Advocate for the petitioner.

Mr. Ashok Kumar Sehrawat, DAG, Haryana.

PANKAJ JAIN, J. (Oral)

Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No. 406 dated 21.7.2020, registered for the offences punishable under Sections 302, 452, 120-B of IPC, at Police Station Pehowa, District, Kurukshetra.

2. The FIR came into being on the complaint made by Basdev Kaur regarding killing of her son Manjeet Singh.

3. As per case of the prosecution during the course of investigation it was found that the present petitioner Baljinder Kaur was involved in extra marital relationship with co-accused Jaswinder Singh and she along with Jaswinder Singh committed murder of Manjeet Singh.

It has been further claimed by the prosecution that there are call detail records between the two accused and both of them confess to their crime before Sarpanch of Village Nand Garh namely Satnam Singh. It has been further claimed that Jaswinder Singh being resident of Nand Garh opted to confide in Sarpanch of this village.

4. Learned counsel for the petitioner submits that it is a case of circumstantial evidence; investigation already stands concluded and apart from extra judicial confession alleged to have been made by the petitioner, there is no incriminating evidence; not only the challan stands presented but even the trial has proceeded considerably and is near to its conclusion as 32 out of 38 witnesses already stands examined; the petitioner has already suffered incarceration of 3 years 2 months 3 days; the custody cannot be prolonged as a punitive measure; apart from that the petitioner will have right to lead defence evidence and for that also she be granted concession of bail.

5. Learned State counsel does not controvert the aforesaid assertions, however, submits that keeping in view the serious allegations levelled against the petitioner and the heinous crime committed by her, the petitioner does not deserve to be granted regular bail.

6. I have heard learned counsel for the parties and have gone through the record.

7. Without commenting on the merits of the case and keeping in view the incarceration already suffered by the petitioner, the present petition is allowed. Petitioner is ordered to be released on regular bail on

her furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

8. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

03.10.2023

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Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No