

CRM-M-58115-2023
Date of decision: 23.11.2023

Versus

State of Punjab ...Respondent

Present: Mr. Randeep Singh, Advocate
for the petitioners.

Mr. I.P.S.Sabharwal, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

The present petition has been filed under Section 439 Cr.P.C. seeking regular bail in a case bearing FIR No.0240 dated 21.07.2022 under Sections 364/302/120-B of IPC registered at Police Station Dera Bassi, District SAS Nagar (Mohali), Punjab.

Brief facts of the case are that Gurdeep Singh, son of the complainant, namely, Santosh Kumar, was married with accused/petitioner No.1-Preeti in the year 2017 and out of the wedlock, one male child, namely, Ankush was born. It is further alleged that the accused/petitioner No.1 told Gurdeep Singh that she along with her mother went to priest (*tantrik*) who disclosed that there is obstruction in the well being of their family and to remove the same, they have to flow coconuts in the river on three days. Thereafter, their family will earn more and will be on the way of well being.

On 19.07.2022 at about 08:00 A.M. both the accused took away Gurdeep

CRM-M-58115-2023**-2-**

Singh to river of Gandian Kheri, where both of them with their criminal conspiracy threw him in the river of Gandian Kheri by pushing him, resulting into his death and thus, the present FIR was got registered.

Learned counsel for the petitioners *inter alia* contends that there is a delay of three days in registration of FIR as the alleged occurrence had taken place on 19.07.2022 and the FIR was lodged on 22.07.2022 and the petitioner No.1-wife and petitioner No.2-Mother-in-law of the deceased-Gurdeep Singh son of the complainant-Santosh Kumar were arrested. The allegations pertain to pushing the deceased into the canal at Kheri Gandian, whereas, after due deliberation and concocting a false story, the FIR was lodged at Police Station Dera Bassi, whereas, the occurrence had not taken place within the jurisdiction of Police Station Dera Bassi.

The complainant, Santosh Kumar, father of the deceased has already been examined before the learned trial Court on 18.05.2023 and he did not support the case of prosecution and has been declared hostile. The petitioners are behind the bars since 22.07.2022.

Per contra, the learned State counsel opposes the grant of regular bail to the petitioners on the ground that they are involved in a heinous crime although, there is no direct evidence or eye-witness in the present case, the prosecution has been able to collect sufficient evidence to prove the complicity of the petitioners in the alleged incident.

Having heard learned counsel for the parties and perusing the records of the case, it transpires that the petitioners are behind the bars since 22.07.2022. During the trial, the complainant has already been examined and has not supported the case of prosecution and declared hostile. Investigation is

CRM-M-58115-2023

-3-

complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court. The trial of the case would take long time to conclude.

Keeping in view the facts and circumstances of the case, the fact that the petitioners are not involved in any other case and the likelihood of trial being prolonged, the present petition is allowed. Culpability, if any, would be determined at the time of trial. No useful purpose shall be served by further detention of the accused/petitioners. Thus, without commenting upon the merits of the case lest it may prejudice the outcome of the trial, the petitioners-Preeti Kaur and Shinder Kaur are ordered to be released on regular bail on their furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.

(HARPREET SINGH BRAR)
JUDGE

23.11.2023
Neha

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