

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-58163-2023 (O&M)
Date of decision: 23.11.2023

ASHA

...Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Jaspreet Singh Brar, Advocate for the petitioner.

Mr. Gurdarshan Singh Sidhu, AAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case bearing FIR No.32 dated 07.05.2023, under Section 306 IPC (Section 120-B IPC added later on), registered at Police Station Hajipur, District Hoshiarpur, Punjab.

2. Learned counsel for the petitioner submitted that the petitioner is a lady of the age of 47 years and is in custody for 5 months and 23 days. He submitted that investigation of the case has already completed and thereafter, challan has been presented before the competent Court and as per the allegations, the complainant of the present FIR got information with regard to the fact that one Vikas Dutta has consumed some poisonous substance near a canal and thereafter during the course of investigation, supplementary statement of the complainant was recorded and one of the

co-accused was arrested and on the disclosure statement of the co-accused, name of the petitioner was nominated. He submitted that similarly there were large number of other co-accused as well who were nominated on the basis of disclosure statement and those co-accused have been extended the benefit of regular bail by this Court vide Annexure P-2 to P-7. He submitted that the petitioner is at the parity with the aforesaid co-accused and is not involved in any other case and therefore, the petitioner may be considered for the grant of regular bail.

3. On the other hand, Mr. Gurdarshan Singh Sidhu, AAG, Punjab submitted that so far as the custody of the petitioner is concerned, the same is correct and while referring to the Annexures which have been attached with the petition pertaining to the bail of the co-accused, he submitted that the petitioner is at the parity with the aforesaid co-accused as well.

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

5. The petitioner is lady of the age of 47 and has already faced incarceration for 5 months and 23 days. Other similarly situated co-accused have already been granted bail by this Court. Furthermore, it is not the case of the learned State counsel that in case the petitioner is released on bail, then he may influence any witness or may tamper with evidence or may flee from justice.

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.

(JASGURPREET SINGH PURI)
JUDGE

23.11.2023
Rakesh

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