

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

(218)

CRM-M-61040 of 2022
DATE OF DECISION:-11.04.2023

Lakhwinder Singh and another

...Petitioners

VS.

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

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

Mr. Amit Shukla, AAG, Punjab.

Mr. Nirmaljeet Singh Sidhu, Advocate, for the complainant.

HARKESH MANUJA, J.

By way of present petition filed under Section 439 of the Code of Criminal Procedure, 1973, petitioner prays for grant of regular bail in case FIR No.95 dated 29.06.2022 under Sections 302, 34 IPC registered at Police Station Subhanpur, District Kapurthala.

At this stage, the prayer in the petition only survives qua Sukhwinder Kaur-petitioner No.2 as the prayer already stands withdrawn with regard to petitioner No.1 vide order dated 08.02.2023.

In the present case, allegations levelled against the petitioner are about her involvement in the alleged murder of deceased Jasvir Singh.

Learned counsel for the petitioner submits that from a perusal of the FIR, no specific role has been attributed to the petitioner-Sukhwinder Kaur. He further submits that the investigation in the present case already stands concluded with the filing of *challan* followed by framing of charges vide order dated 04.11.2022 and even the complainant namely Satvir Kaur i.e. wife of the deceased already stands examined. Learned counsel also

refers to the viscera report so as to contend that as per opinion given therein, the possibility of death due to cardiac arrest resulting from hypersensitive heart cannot be ruled out.

On the other hand, learned State counsel assisted by Mr. Nirmaljeet Singh Sidhu, Advocate, appearing for the complainant vehemently oppose the prayer made herein while submitting that the deceased in the present case was given beatings mercilessly by the accused wherein the petitioner actively participated.

I have heard learned counsel for the parties and gone through the paper book. I find substance in submissions made on behalf of the petitioner. The investigation in the present case already stands concluded with the filing of *challan* followed by framing of charges and the complainant has already been examined by the prosecution. The petitioner has already been behind the bars for a period of more than 9 months now and the trial is likely to take some time as out of 13 prosecution witnesses, only 1 has been examined so far and the application filed at the instance of prosecution for summoning of one Karamjit Singh @ Pamma as an additional accused invoking under Section 319 Cr.P.C. is pending consideration before the trial Court. More than that, a perusal of the contents of FIR make out that no specific and categoric attribution has been made against the petitioner, thus, the petitioner deserves the concession of regular bail.

Without commenting anything on merits, lest it may prejudice the trial, the present petition is allowed and the petitioner-Sukhwinder Kaur is ordered to be released on regular bail on her furnishing bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate.

However, nothing expressed hereinabove shall be construed as an expression on the merits of the case.

11.04.2023
anil

(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No

whether reportable: Yes/No