

255 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-1120-2024
Decided on : 15.01.2024

Hardeep Kaur Petitioner

Versus

State of Punjab Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Neeraj Jain, Advocate
for the petitioner.

Mr. Mohit Kapoor, Addl. AG, Punjab.

Manjari Nehru Kaul, J.(Oral)

1. Instant petition has been filed by the petitioner seeking concession of regular bail in case FIR No.35 dated 21.05.2022 under Sections 302 and 120-B registered at Police Station Sadar Budhlada District Mansa.
2. Learned counsel for the petitioner *inter alia* contends that the petitioner, who is a 54 years old woman, has been in custody for almost 1 year and 8 months having been arrested on 21.05.20022. While drawing the attention of this Court to the allegations levelled in the FIR, which has been annexed as Annexure P-1, learned counsel submits that a perusal of the same clearly reveals that the only role attributed to the petitioner is of having exhorted her husband i.e. co-accused Labh Singh not to spare the deceased as he had been causing lot of trouble; thereafter, it was the co-accused, who inflicted the fatal injuries on the

person of the deceased. Learned counsel for the petitioner further submits that the petitioner has clean antecedents and after the charges were framed way back on 21.12.2022, none of the prosecution witnesses out of the 20 cited had been examined till date and the case was being adjourned repeatedly on account of the non-appearance of the prosecution witnesses, even though on a number of occasions, bailable warrants had been issued by the trial court concerned, to secure their presence.

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner on instructions has not been able to dispute that the petitioner has not been attributed any injury much less fatal injury on the person of the deceased. He, however, submits that the petitioner was very much present when her husband i.e. co-accused Labh Singh inflicted fatal injuries with the knife on the person of the deceased after being instigated by none other than the petitioner. Learned State counsel, on instructions, has not been able to dispute that after the charges were framed more than a year back, the trial had not proceeded on account of the non-appearance of the prosecution witnesses even though they had been summoned through bailable warrants.

4. I have heard learned counsel for the parties and perused the material placed on record.

5. In the facts and circumstances as enumerated hereinabove coupled with the fact that none of the prosecution witnesses out of the

20 cited has been examined, the trial has come to a virtual stand still on account of the non-appearance of prosecution witnesses. Furthermore, the petitioner has not been attributed any injury much less fatal on the deceased. The petitioner, who is a 54 years old lady, is not stated to be involved in any other criminal case. This Court in the aforementioned facts and circumstances, deems it fit to extend the concession of regular bail to the petitioner. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

6. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

15.01.2024
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(MANJARI NEHRU KAUL)
JUDGE

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