

CRM-M-8793-2024

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(222)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-8793-2024

Date of Decision: 19.03.2024

AMARJIT KAUR @ JEETI BHUA

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. N.K. Manchanda, Advocate
for the petitioner.

Mr. Harkanwar Jeet Singh, Asstt. A.G., Punjab.

JASJIT SINGH BEDI, J.

This 2nd petition under Section 439 Cr.P.C. is for the grant of regular bail in case bearing FIR No.51 dated 25.03.2019 (Annexure P-1) registered under Sections 304, 148, 149 IPC (Sections 302, 201 IPC added later on) at Police Station City South Moga, District Moga.

2. The brief facts of the case are that the statement of Gurmeet Kaur wife of S. Nardev Singh was recorded to the effect that she had three children. Her son had come back from Dubai on 22.03.2019 and was missing from the Mohalla. His body was found on 23.03.2019 on a pile of garbage near the Mohalla. She believed that her son had been murdered by Jeeti Bua (petitioner), Kaalu (granted bail vide order dated 06.02.2024 passed in CRM-M-54957-2023), Manpreet Singh @ Mani (granted bail vide order dated 29.05.2023 passed in CRM-M-26340-2023), Arshi, Shinder and unknown persons. The motive for the occurrence was that these accused had come to

their (complainant party's) house and had beaten the deceased. Action was sought against the accused and SHO, Palwinder Singh who was conniving with the accused.

3. The learned counsel for the petitioner contends that as five co-accused of the petitioner namely, Daler Singh, Arshdeep Singh @ Arsh @ Doctor, Chhinder Pal Singh @ Chhinder @ Jain, Manpreet Singh @ Mani and Harpreet Singh alias Kalu had been granted the concession of bail by this Court vide orders dated 06.01.2022, 06.01.2022, 06.01.2022, 29.05.2023 and 06.02.2024 (Annexures P-9 to P-13), the petitioner was entitled to the similar concession as she was in custody since 12.05.2019 and only 07 out of the 26 prosecution witnesses had been examined so far.

4. On the other hand, the learned State counsel contends that the petitioner is one of the main accused and did not deserve the concession of bail. He, however, does not dispute the fact that the similarly situated co-accused of the petitioner have been granted the concession of bail.

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

6. The veracity of the prosecution case against the petitioner and his co-accused shall be adjudicated upon during the course of Trial. Admittedly, the petitioner is in custody since 12.05.2019 and only 07 out of the 26 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. Hence, the further incarceration of the petitioner is not required.

7. Thus without commenting on the merits of the case, the present petition is allowed and petitioner-Amarjit Kaur @ Jeeti Bhua wife of late

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Atma Singh is ordered to be released on bail subject to her furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petitioner shall appear before the police station concerned on the first Monday of every month and inform in writing each time that she is not involved in any other crime other than the cases mentioned in this order.

9. In addition, the petitioner (or anyone on her behalf) shall prepare an FDR in the sum of Rs.25,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.

10. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

19.03.2024

JITESH

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