

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

**CRM-M-10940-2024
DECIDED ON: 07.03.2024**

GURPREET KAUR

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. R.S. Randhawa, Advocate
for the petitioner.

Mr. Jasjit Singh Rattu, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.223, dated 17.12.2020 (Annexure P-1), under Sections 302, 201, 34 IPC, 1860, registered at Police Station Jamalpur, District Ludhiana.

2. Learned counsel for the petitioner contends that it is a case of blind murder totally based on circumstantial evidence and the prosecution has relied upon the last seen evidence in the shape of statement made by one Sandeep Singh alleging that the petitioner was in illicit relationship with Gurdeep Singh, who is the co-accused in the instant case. He further contends that apart from that, there is no direct incriminating material to connect the petitioner with the present case and the other two co-accused persons namely Gupreet Singh @ Gopi and Gurdeep Singh, with whom the deceased was alleged to have been last seen, stand granted the concession of regular bail by this Court vide orders dated 30.03.2022 (Annexure P-7) and

16.03.2023 (Annexure P-8), respectively and one of the co-accused namely Gurpreet Singh @ Gopi has stayed behind the bars for a period of 01 year and 3 months whereas the present petitioner has already suffered custody for a period of 03 years, 02 months and 15 days.

3. On the other hand, learned State counsel has produced the custody certificate of the petitioner today in Court, which is taken on record. He asserts that blood stains were recovered from the stairs of the house of the petitioner and it is the petitioner who in connivance with other two co-accused persons committed the murder.

4. On a query being put by this Court, in fact baseball and muffers were recovered at the instance of co-accused Gurdeep Singh and nothing has been recovered from the possession of the petitioner.

5. Be that as it may, in the instant case there is no dispute to the fact that the petitioner has faced incarceration for a period of 03 years, 02 months and 15 days and the fact that co-accused of the petitioner namely Gurpreet Singh @ Gopi and Gurdeep Singh have been granted the concession of regular bail by this Court vide orders dated 30.03.2022 (Annexure P-7) and 16.03.2023 (Annexure P-8) respectively and out of total 24 prosecution witnesses, only 04 have been examined till date, which is sufficient enough to infer that the trial is moving at snail's pace and the another aspect to be borne in mind that it is admittedly a case of blind murder and based on the circumstantial evidence and that said fact has not been denied by the learned State counsel added with the fact that the conclusion of trial will take long time, for which the petitioner cannot be detained behind the bars for an indefinite period.

6. This Court is sanguine of the fact that according to the proposition settled by the Apex Court in *Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131*, that keeping somebody behind the bars, till his guilt is proved, for an indefinite period amounts to infringement of his right to life and liberty, as enshrined under Article 21 of Constitution of India and is against the principle “*bail is a rule*” and “*jail is an exception*”.

7. In the light of above, the petitioner is directed to be released on regular bail on her furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

8. In the afore-said terms, the present petition is hereby allowed.

9. However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

07.03.2024
Poonam Negi

(SANDEEP MOUDGIL)
JUDGE

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