

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

212

CRM-M-19146-2023

Date of decision: 14.03.2024

Gurjit Kaur

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Amit Arora, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner in the instant (second) petition is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.0093 dated 25.06.2020 under Sections 302, 34 of the IPC (Sections 201, 449, 392, 120-B of the IPC added lateron) registered at Police Station Valtoha, District Tarn Taran.

2. Learned counsel for the petitioner inter alia contends that it is case resting on circumstantial evidence. Learned counsel submits that as per the case of the prosecution itself, fatal injuries were inflicted upon the deceased by co-accused Manjinder Singh. The only role attributed to the petitioner was of being a conspirator to the murder of her husband, who was averse to the alleged relationship of their daughter with co-accused Manjinder Singh. Learned counsel submits that since the petitioner has now been in custody for almost 04 years having been arrested on 01.07.2020 and all the material witnesses including the witnesses of last seen and extra judicial confession having

been examined, her further incarceration would serve no useful purpose as there could be no apprehension of the petitioner tampering with material evidence or trying to intimidate/influence the witnesses. It has been further submitted that 13 prosecution witnesses still remain to be examined and hence, the trial is unlikely to conclude in the near future.

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions from SI Sawinder Singh, has not disputed that all the material witnesses cited by the prosecution stand examined and 13 prosecution witnesses still remain to be examined. It has also not been disputed by the learned State counsel that the petitioner was just alleged to be a conspirator to the crime in question as her deceased husband had not been accepting his daughter's relationship with co-accused Manjinder Singh.

4. On a pointed query put to the learned State counsel as to whether the petitioner had been attributed any injury on the person of the deceased, he, on instructions has replied in the negative. However, learned State counsel submits that all the material witnesses while stepping into the witness box, had supported the case of the prosecution in its entirety.

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

6. The petitioner has been in custody since 01.07.2020 in a case resting on circumstantial evidence. Her role is restricted to being a conspirator in the crime in question. All the material witnesses stand examined. In view of the facts and circumstances as enumerated hereinabove, further incarceration of the petitioner would serve no

useful purpose as 13 prosecution witnesses still remain to be examined. This Court, therefore, deems it fit to extend the concession of bail to the petitioner.

7. 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. 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.

14.03.2024

(MANJARI NEHRU KAUL)
JUDGE

Vinay

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