



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

CRM-M-27435-2024
Date of decision: 22.10.2024

Mandeep Kaur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Ms. Monita Mehta, Advocate for the petitioner.

Mr. J.S. Dhaliwal, AAG, Punjab.

KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed by the petitioner under Section 439 Cr.P.C. seeking grant of regular bail in a criminal case having FIR No.51 dated 25.02.2022, under Sections 302, 120-B IPC, registered at Police Station Sadar Banga, District Shaheed Bhagat Singh Nagar.

2. The allegations in nutshell are that present petitioner is real sister of deceased Amarjit Singh. Complainant Kiranjot Kaur wife of deceased Amarjit Singh reported to the police that present petitioner conspired with her friend Gurwinder Kaur and other accused persons to kill Amarjit Singh, with whom she was having land dispute. In furtherance of the said conspiracy, Amarjit Singh was killed and his dead body was found lying near cremation ground. During investigation, the petitioner was arrested.

3. The counsel for the petitioner inter alia submits that the petitioner is falsely implicated in the present case. That the entire case is



based on circumstantial evidence. That the petitioner is being charged with murder of Amarjit Singh only with the aid of Section 120-B IPC. It is a matter of evidence as to whether the petitioner was part of any such alleged conspiracy. It is further submitted that the petitioner is in custody for the last more than 2 years and 4 months and it will take time for the trial to conclude. That co-accused Gurwinder Kaur, Lakhvir Kumar are enlarged on bail by co-ordinate Bench of this Court vide orders Annexure P-10 and P-11. That in the given circumstances, no purpose will be served by keeping the petitioner in custody for any longer period.

4. The present petition is resisted by the State counsel who submits that the petitioner was having property dispute with Amarjit Singh her real brother and she conspired with other accused persons and in execution of the said plan, Amarjit Singh was murdered by co-accused Sarabjit Singh and Sanjay Kumar, both of whom were hired by the petitioner. The State counsel further submits that the present petitioner admitted her guilt before PW-5 Hargurbhagwant Singh and the said extra judicial confession suffered by the petitioner is proved on the record. However, the State counsel has not disputed that co-accused Gurwinder Kaur and Lakhvir Kumar are given benefit of regular bail. It is also not disputed that petitioner is in custody for the last more than 2 years and 4 months and prosecution is to examine another 26 witnesses.

5. I have considered the submissions made by counsel for the parties.

6. Admittedly, the entire case is based on circumstantial evidence.

The element of the conspiracy will be established during trial. The



petitioner is in custody for last more than 2 years and 4 months. Although, some material witnesses including PW-5 Hargurbhagwant Singh are examined but it will take time for the trial to conclude. Co-accused Gurwinder Kaur and Lakhvir Kumar are given concession of regular bail by co-ordinate Bench of this Court. In the given circumstances, no purpose is going to be served by keeping the petitioner in custody for any longer period.

7. In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

22.10.2024
Yogesh

(KARAMJIT SINGH)
JUDGE

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