

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.29757 of 2024
Date of decision : 3.7.2024

Manpreet Kaur	Petitioner
Versus	
State of Punjab and others	Respondents

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. N.S. Sidhu, Advocate, for the petitioner
Mr. J.S. Rattu, DAG, Punjab

SANDEEP MOUDGIL, J (ORAL)

This petition under section 439 Cr.P.C. has been filed for grant of regular bail to the petitioner in case FIR No.104 dated 26.7.2022 under Section 307 of IPC and Section 25 of Arms Act, 1959 (Section 120-B IPC added later on vide DDR No.21 dated 23.8.2022), registered at Police Station Nathana, District Bathinda.

2. Learned counsel for the petitioner contends that the main accused Gursewak Singh, who is husband of the petitioner has not supported the prosecution case qua the role attributed to the present petitioner. He further asserts that initially the present petitioner was nominated in this case only on the disclosure statement made by Gursewak Singh but now the said alleged statement against the present petitioner has not been relied upon as is evident from the affidavit submitted by Gurrsewak Singh himself dated 3.5.2024, Annexure P-3, wherein the date is evident from the vernacular only.

3. Learned State counsel, on the other hand, produced the custody certificate of the petitioner, and could not controvert the aforesaid facts especially qua the specific role of the petitioner having been denied by co-accused Gursewak Singh in his statement/affidavit, Annexure P-3.
4. In the light of above, wherein the petitioner has already suffered incarceration of 2 months and 11 days and not involved in any other case, meaning thereby the petitioner has not in active participation in the commission of offence, wherein challan was presented on 27.2.2024, charges were framed on 21.5.2024, and since then out of 5 prosecution witnesses, none has been examined so far which is sufficient to convince the Court that trial will certainly take long time, no useful purpose would be served by keeping the petitioner behind the bars for an indefinite period which would also tantamounts to violation of Article 21 of the Constitution of India.
5. In view of the aforesaid discussions made hereinabove, 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.
6. However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.
7. The petition stands allowed.

(SANDEEP MOUDGIL)

JUDGE

3.7.2024

Ashwani

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No