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

CRM-M-34376-2023 (O&M)

Date of decision : 16.04.2024

Neelam Kumari

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Angad Parmar, Advocate,
for Mr. Vivek K. Thakur, Advocate,
for the petitioner.

Ms. Manjot Kaur, AAG, Punjab,
assisted by ASI Shamsher Singh.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail pending trial to the petitioner in FIR No.232 dated 02.12.2022, under Sections 302 & 201 read with Section 34 of the Indian Penal Code, 1860, registered at Police Station Beas, District Amritsar.

2. Allegations are that petitioner along with other co-accused committed murder of Gulshan Kumar, brother of the informant.

3. Learned counsel for the petitioner contends that petitioner was granted interim bail by this Court on 28.07.2023 and she is regularly appearing before learned trial Court. There is no apprehension that petitioner is likely to influence the prosecution witnesses or hamper the trial, in any manner. Also contends that charges were

framed on 15.09.2023 and out of total 16 prosecution witnesses, no one has been examined so far.

4. Learned State Counsel, on instructions, has fairly acknowledged the above factual position.

5. Heard learned counsel for both the sides and perused the paper book.

6. It is a matter of record that petitioner was granted interim bail by this Court on 28.07.2023 and the order reads as under:-

“Short Reply by way of affidavit of Sh. Harkrishan Singh, PPS, Deputy Superintendent of Police, Sub Division Baba Bakala Sahib, District Amritsar filed on behalf of the respondent is taken on record.

Learned counsel for petitioner submits that brother of the complainant, namely, Gulshan Singh died on 28.11.2022 due to consumption of excessive alcohol and reference in this regard is made to FSL report as well as averment made in para No.8 of the aforesaid reply. Also contends that petitioner is in custody since 24.12.2022 and charges are yet to be framed; thus, trial is likely to take sufficient long time.

Learned State counsel, on instructions, submitted that present FIR was registered only on the basis of suspicion; however, he seeks time to verify the status of trial.

Posted on 11.09.2023

In the meantime, petitioner is ordered to be released on interim bail on her furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.”

7. It is acknowledged by learned State counsel that in terms of the aforesaid order, petitioner was released on interim bail and she is regularly appearing before learned trial Court; there is no allegation that she is likely to misuse the concession of bail or hamper the proceedings in case her interim bail is made absolute; and out of total

16 prosecution witnesses, no one have been examined till date; hence, trial is likely to take sufficient long time and as such, sending the petitioner to custody at this stage would not serve any purpose.

8. Consequently, present petition is allowed. Interim bail granted to the petitioner, vide order dated 28.07.2023, is made absolute. Petitioner shall be admitted to bail on furnishing bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

9. Petitioner shall appear on each & every date of hearing and to fully co-operate with the learned trial Court without seeking any unnecessary adjournment(s).

10. The above observations may not be construed as an expression of opinion on the merits of the case.

11. It is clarified that in case there is any misuse of concession of bail on the part of the petitioner, State of Punjab would be at liberty to move an appropriate application for recalling of this order.

12. Pending application(s), if any, shall also stand disposed off.

16.04.2024
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(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No