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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-43621-2024 (O&M)
Date of Decision: 11.09.2024

Kamlesh

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Abhinav Kalia, Advocate, for the petitioner.

Mr. Rajiv Verma, DAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the petitioner in FIR No.0097 dated 17.09.2019, under Sections 302 and 201 IPC (Sections 120-B and 34 IPC added later on), registered at Police Station Mohkampura, District Amritsar.

2. Learned counsel appearing on behalf of the petitioner submitted that the petitioner is a lady of the age of about 43 years and she is in custody for 4 years, 11 months and 22 days which is almost 5 years. He submitted that 19 out of 29 prosecution witnesses have been examined and the entire case is based upon circumstantial evidence and, therefore, the petitioner may be considered for the grant of regular bail. He submitted that the present FIR was lodged on the basis of statement of one SI Sulakhan Singh that when he was searching for the bad elements and went towards

Bagh Kake Shad, then at some distance there was a rice field and many



dogs were barking and after reaching the spot, he saw that one dead body of an unknown lady, aged 27-28 years was lying there which was cut by a sharp weapon and was covered with one Blue checked chaadar and her face was covered with a plastic cover and the body was tied with a rope and public had also gathered there. He submitted that thereafter as per the prosecution story, the local councillor identified the body of the deceased who was his neighbour namely, Suman Devi wife of Devanand Rai. The present petitioner namely, Kamlesh is stated to be having an illicit relationship with the husband of the deceased namely, Devanand Rai and because of this reason, quarrel use to occur between the deceased and the petitioner. He submitted that the entire case is based upon suspicion that there was an illicit relationship between the husband of the deceased and the petitioner and the present case is based upon circumstantial evidence and now the petitioner who is a lady has already faced incarceration for about 5 years and she is having clean antecedents and is not involved in any other case and, therefore, she may be considered for the grant of regular bail.

3. On the other hand, Mr. Rajiv Verma, DAG, Punjab has submitted that so far as the custody of the petitioner is concerned, the same is correct and she is not involved in any other case except for one case under the Prisons Act. He submitted that during the investigation as per disclosure statement of the petitioner, it was found that she had not only killed the aforesaid Suman Devi but also her daughter namely, Riya and, therefore, considering the seriousness of the offence, the petitioner is not entitled for the grant of regular bail.

4. I have heard the learned counsels for the parties.

It is a case where the petitioner is a lady of the age of 43 years



and as per the allegations, it is suspected that she has killed the aforesaid Suman Devi and her daughter namely, Riya and during the investigation her disclosure statement was also recorded in this regard. However, this Court would consider the aspect of long incarceration of the petitioner especially in view of the fact that she is a lady and her incarceration is of about 5 years. As per the learned counsel for the parties, 19 out of 29 prosecution witnesses have been examined. Furthermore, it is not the case of the State that in case the petitioner is released on bail, then she may influence any witness or may tamper with evidence or may flee from justice. Therefore, considering the long custody of the petitioner and the fact that the petitioner is a lady of the age of 43 years, this Court deems it fit and proper to grant regular bail to the petitioner.

6. Consequently, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned, if not required in any other case.

7. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

11.09.2024

rakesh

(JASGURPREET SINGH PURI)

JUDGE

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