

2024.PHHC.112525



201.

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

CRM-M-2246-2024

Date of decision: 30.08.2024

Pooja Rani

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. Piyush Sharma, Advocate for
Mr. Vaibhav Nagori, Advocate, for the petitioner.

Ms. Avneet, AAG, Punjab.

GURBIR SINGH, J.(Oral)

1. This petition has been filed under Section 439 of Cr.P.C. for grant of regular bail to the petitioner in case FIR No.115, dated 14.06.2022, registered under Sections 302, 34 of IPC, at Police Station Sadar Fazilka, District Fazilka.

2. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in the present FIR. The complainant has not supported the prosecution version by stating that his daughter Parveen Rani (since deceased) accidentally fell on *kasia*. Petitioner is in custody since 18.06.2022. Completion of trial will take long time. No useful purpose would be served by further incarceration of the petitioner.

3. Learned State counsel has filed custody certificate dated 29.08.2024 of the petitioner in Court today, which is taken on record. As per custody certificate, petitioner has undergone actual sentence of 2 years, 2 months and 8 days. She has opposed the bail to the petitioner considering the allegations leveled against her.

4. I have heard the submissions of learned counsel for the petitioner, learned State counsel and have gone through the file.

5. The allegation against the petitioner is that on her instigation, her husband Baljinder Singh, co-accused, caused death of his sister Parveen Rani by giving a *kasia* blow on her neck from its sharp side. The aforesaid FIR was registered on the statement of Jarnail Singh, father of the deceased, who has been examined as PW1. He is an eyewitness as well. Copy of his statement is placed on the file, but he has not supported the version of prosecution. Another eyewitness is Santosh Rani against whom non-bailable warrant is being issued but her presence is not being procured.

5.1 On asking, learned State counsel submits that twice non-bailable warrant have been issued against Santosh Rani but were received back unexecuted.

6. Keeping in view the fact that no injury has been attributed to the petitioner, the only allegation against her is that on her instigation, her husband, co-accused committed the offence; the complainant, who is father of the deceased, has not supported prosecution version; she is in custody for the last 2 years, 2 months and 8 days and completion of trial will take some

time, this Court deems it appropriate to release the petitioner on regular bail.

7. Accordingly, 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 her furnishing bail bonds/surety bonds to the satisfaction of concerned learned trial Court/Chief Judicial Magistrate/Duty Magistrate, with the further condition that she shall get her mobile number registered in the trial Court for receiving messages on CIS system and shall not change her mobile number during the pendency of the case. She shall also furnish her residential address to the trial Court as well as to the concerned police station and shall not change her residence without intimation to the concerned police station. In case of default, the trial Court is free to cancel the bail granted to the petitioner.

8. However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case and the trial Court shall decide the case on the basis of material available before it.

(GURBIR SINGH)
JUDGE

August 30, 2024
sanjeev

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