



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

**CRM-M No.44198 of 2024 (O&M)
Date of decision: 11.02.2025**

Rupinder @ Kato

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Brijesh Nandan, Advocate for the petitioner.

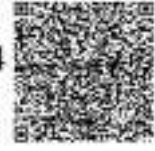
Ms. Manjot Kaur, AAG, Punjab for the respondent.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (*for short* 'Cr.P.C. ') for grant of bail pending trial to the petitioner in FIR No.166 dated 15.11.2023 (P-1), under Sections 302, 201, 120-B, 34 of the Indian Penal Code, 1860 (*for short* 'IPC'), registered at Police Station Goraya, District Jalandhar.

(2) Above FIR was registered on the basis of statement made by complainant-Vidya Sagar with the allegations that petitioner, along with

2025.PHHC.020064



other co-accused, hatched criminal conspiracy, called Harish Chand (deceased) and took him to the fields of one Jhliman Singh and committed murder of Harish Chand by strangulating him.

(3) Contends that petitioner was not named in the present FIR; rather nominated on the basis of supplementary statement made by *de facto* complainant-Vidya Sagar on 23.11.2023 and thereafter, she was arrested on the same day. Further contends that after investigation, report under Section 173 Cr.P.C. *qua* petitioner has already been presented before the Court of competent jurisdiction on 20.02.2024; but none of the co-accused (including main accused Sanjit Kumar) has been apprehended. Lastly contends that even charges are yet to be considered; thus, there is no possibility of trial to be finalized in the near future, hence, further incarceration of the petitioner would not serve any purpose.

(4) *Per contra*, learned State Counsel, on instructions, acknowledged the above factual position to the extent that petitioner was nominated on the basis of supplementary statement made by *de facto* complainant-Vidya Sagar on 23.11.2023 and except present petitioner, no other co-accused have been apprehended till date despite repeated raids conducted by the police; but she opposed the prayer on the premise that allegations are very serious against the petitioner.

(5) Heard learned Counsel for the parties and perused the paper-book.

2025.PHHC.020064



(6) It transpires that initially, FIR was registered against the unknown persons on 15.11.2023 and petitioner was nominated on the basis of supplementary statement made by *de facto* complainant-Vidya Sagar on 23.11.2023. Also noteworthy that there is a complete variation in the initial version viz-a-viz supplementary statement dated 23.11.2023, made by *de facto* complainant.

(7) Be that as it may, petitioner is in custody since 23.11.2023; after investigation, report under Section 173 Cr.P.C. *qua* petitioner has already been presented before the Court of competent jurisdiction; but charges are yet to be considered. Apart that, none of the other co-accused, including main accused, has been apprehended by the police for the reasons best known to them; thus, trial is likely to take sufficient long time. Moreover, this is not the objection raised by learned State Counsel that in case petitioner is released on bail, she is likely to hamper the trial or pressurize the prosecution witnesses in any manner. Hence, in such a scenario, further incarceration of the petitioner would not serve any purpose.

(8) Consequently, present petition is allowed. Petitioner be admitted to bail pending trial on her furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(9) Petitioner shall fully co-operate with the learned trial Court without seeking any unnecessary adjournments.

2025.PHHC.020064



(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 would be at liberty to move an appropriate application for recalling of this order.

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

11th February, 2025
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

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