



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

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CRM-M-45598-2024 (O&M)
Date of decision: 08.07.2025

Rajwinder Kaur

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Ms. Neha Jain, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR J. (Oral)

1. Prayer in this petition filed under Section 483 of the BNSS, 2023, is for grant of regular bail to the petitioner in FIR No.310 dated 24.10.2020 registered under Sections 302, 201, 34, 195, 120-B IPC at Police Station Kathunangal, District Amritsar.
2. Brief facts of the case are that complainant Palwinder Singh states that on 24.10.2020 at 12:30 pm his wife Harwinder Kaur had gone to the house of her Bhabhi/Rajwinder Kaur (petitioner herein). After two hours, he went to the house of his sister-in-law/Rajwinder Kaur to call his wife then he saw that in residential room one dead body was burning, he raised noise and neighbour Gurmej Singh came and both of them controlled the fire and saw the face of the dead body and identify as his wife Harwinder Kaur. He is sure that his sister-in-law/Rajwinder Kaur with the help of some unknown person has killed



his wife and after burning the body they had fled away from the spot, on the basis thereof, FIR was registered, and SHO concerned visited the spot and recovered a suicide note affixed on the wall and during investigation, Palwinder Singh recorded his supplementary statement on 24.10.2020 levelling allegations of murder of his wife, against his sister-in-law/Rajwinder Kaur and also stated that she was having illicit relation with Mandeep Singh and he used to visit the house of Rajwinder Kaur and on 24.10.2020, Mandeep Singh in connivance with Rajwinder Kaur had committed murder of his wife and set her ablaze. Thereafter, the impugned FIR was registered.

3. Learned counsel for the petitioner, *inter alia*, contends that the petitioner is a lady and has been falsely implicated in the FIR (supra) and she is in judicial custody since 26.10.2020. The petitioner has suffered the incarceration of more than 04 years and 08 months and till date, out of 28 PWs, only 15 PWs have been examined so far and 01 PW has been given up. The delay in conclusion of the trial cannot be attributed to the petitioner as she is in judicial custody. Further, the complainant has not supported the case of the prosecution in totality and he has resiled qua the complicity of co-accused Mandeep Singh.

4. Learned counsel for the petitioner further submits that the co-accused Mandeep Singh has been enlarged on regular bail by the Coordinate Bench of this Court on 21.03.2024 passed in CRM-M No.52312 of 2023 (Annexure P-6). Learned counsel for the petitioner further submits that once the part of the conspiracy has been suffocated



by the complainant himself, therefore, no reliance can be placed upon the testimony of the complainant.

5. *Per contra*, learned State counsel has filed custody certificate today in the Court which is taken on record and he opposes the prayer made by learned counsel for the petitioner on the ground that the petitioner was having illicit relationship with co-accused Mandeep Singh and in connivance with Mandeep Singh, she has committed the murder of deceased and projected it to be a case of suicide, however, he could not controvert the fact that the prosecution has not been able to conclude its evidence in spite of passing of almost 05 years.

6. Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the petitioner is behind the bars from the last 04 years, 08 months and 02 days. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court. Charges were framed and trial of the case has not made much progress. Out of 28 prosecution witnesses, 15 PWs have been examined so far and 01 PW has been given up.

7. The foundational concept of the criminal jurisprudence is to ensure speedy trial. The Hon'ble Supreme Court has repeatedly reiterated that right to speedy trial is enshrined in Article 21 of the Constitution of India. Speedy trial would cover investigation, enquiry, trial, appeal, revision and retrial etc. i.e. everything starting with the accusation against the accused and expiring with the final verdict of the last Court.



8. It has further been held in law that if a person is deprived of his liberty under a procedure which is not reasonable, fair, or just, such deprivation would be violative of his fundamental right under Article 21 of the Constitution of India. The procedure so prescribed must ensure speedy trial for determination of the guilt of such person. Some amount of denial of personal liberty cannot be avoided, but if the period of deprivation pending trial becomes excessively long, the fairness guaranteed by Article 21 of the Constitution of India would come into play.

9. In this regard, reference is being made to the law laid down by the Hon'ble Supreme Court in the context of right to speedy trial under Article 21 of the Constitution of India on the following decision:- *Akhtari Bi Vs. State of M.P., (2001) 4 SCC 355, Surinder Singh Alias Shingara Singh Vs. State of Punjab, (2005) SCC (Crl) 1674, P. Ramachandra Rao Vs. State of Karnataka, (2002) 4 SCC 578, Babu Singh and others Vs. State of U.P., (1978) 1 SCC 579, Takht Singh and others Vs. State of M.P., (2001) 10 SCC 463; Special Leave to Appeal (Crl) No.2356 of 2010, Kushal Singh Vs. State of U.P. (2JJ.) and Fazal Vs. State of Uttar Pradesh, (2012) 5 SCC 752.*

10. In view the discussion above, the present petition is allowed. Accordingly, without commenting upon the merits of the case, the petitioner namely Rajwinder Kaur, is ordered to be released on regular bail during pendency of the trial, on furnishing bail bonds/surety



bonds to the satisfaction of Illaqa Magistrate/Trial Court/Duty Magistrate.

11. The present petition seeking regular bail to the petitioner is allowed solely on the ground of long custody already undergone by him and without commenting on the merits of the case, lest it may prejudice the outcome of the case pending before the learned trial Court.

(HARPREET SINGH BRAR)
JUDGE

08.07.2025
yakub

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