

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRA-S-3310-2024
Reserved on: 02.12.2024
Pronounced on: 13.12.2024

Satveer Kaur ...Appellant

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. J.S. Dhaliwal, Advocate,
for the appellant.

Mr. Sukhdev Singh, AAG, Punjab.

Mr. Harmilonjot Singh, Advocate,
for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
57	10.08.2021	Lakhewali, Distt. Sri Muktsar Sahib	306, 34 IPC and Sections 3 & 4 of SC & ST Act

1. Aggrieved by the dismissal of her bail under Section 439 CrPC, 1973 for the offenses including under the Scheduled Caste & Scheduled Tribes (Prevention of Atrocities) Act, 1989, (SCSTPOA), the accused has come up before this Court by filing the present appeal under Section 14-A of SCSTPOA, seeking bail.

2. In paragraph 22 of the grounds of appeal, the accused declares that she has no criminal antecedents.

3. The facts and allegations are being taken from the status report filed by the State, which reads as follows:

“As per the version of the complainant Sukhjeet Singh alias Kala, on whose statement the FIR was lodged that he does labor work. They are four siblings and his brother Jagmeet Singh alias Lala got married to Satvir Kaur about 22-23 years ago and they were blessed with three children. Satvir Kaur developed illicit relations with Khushbaj Singh alias Bhola of their village and on several occasions, he also lured her and ran away with her. Gora Singh, doctor of their village, who runs a chemist shop used to

give sleeping tablets to his sister-in-law either personally or through Chhinder Bhagwan Singh. Many Panchayats were held in this regard and in Panchayat, mother of Bhola used to support him. His brother Jagmeet Singh also had recovered a mobile given to his sister-in-law by Bhola. His brother was under depression and used to say that his life has turned into hell and he will commit suicide. Since the intervening night of 29-30 of seventh month, his sister-in-law has fled away from the house and they have also moved complaint against above said persons too. Children of Jagmeet Singh, who were away to school, returned at about 02.00 p.m. and found that his brother Jagmeet Singh has committed suicide by hanging himself with the hook on the roof. On hearing the cries of children, he and other neighbors gathered there and gave information to the police and then the dead body was taken down. His brother Jagmeet Singh has died and he has committed suicide on account of harassment meted out to him by Gora Singh, Doctor, Chhinder Bhagwan Singh, Khushbaj Singh, mother of Khushbaj Singh and Satvir Kaur (appellant)."

4. The appellant's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the appellant and her family.
5. The State's counsel opposes bail and refers to the status report.
6. It would be appropriate to refer to the following portions of the status report, which read as follows:

"EVIDENCE AGAINST THE PETITIONER:

As per the police record, there are total 39 prosecution witnesses in the present case whose statements have been recorded in accordance with law. During the personal search of the deceased Jagmeet Singh, one Suicide Note was recovered from the front pocket of his Kurta Pajama, written on the back side of photo copy of his Aadhar Card in which the deceased Jagmeet Singh named the petitioner as well as other co-accused liable for his suicide. Report of Forensic Science Laboratory, Phase-4, Mohali regarding questioned writings i.e. suicide note as well as Visra report. The prosecution agency has also obtained CDR (Call Detail record) record pertaining to the mobile phone used by the Deceased. Moreover, the other entire record regarding the above said case has been obtained by the prosecution agency, which is on police record. As such the

appellant is not entitled for the concession of regular bail by way of filing the present appeal as the FIR has been registered against the appellant in accordance with law.

Status of the case:

That as referred above that except the present appellant, there are four other co-accused named in the FIR namely Khushbag Singh alias Bhola, Harjeet Kaur wife of Arajn Singh, Gorkha Singh alias Gora Son of Pal Singh, Chhinder Bhagwan alias Chhinda son of Santokh Singh. During investigation of the FIR by Special Investigating Team, on 12.08.2021, the co-accused Harjeet Kaur and Khushbaj Singh were arrested in the present case. Thereafter on 13.08.2021, the appellant Satveer Kaur was also arrested by the police. During further investigation the co-accused Gorkha Singh alias Gora was arrested on 22.09.2021 and the co-accused Chhinder Bhagwan alias Chhinda was arrested on 20.11.2021.

During investigation and as per the report of District Attorney (Legal) Sri Muktsar Sahib, it has been come into picture that the accused of the FIR belongs to General Category and the deceased Jagmeet Singh belongs to Schedule Caste category.”

7. As per paragraph 15 of the appeal, the appellant has been in custody since 13.08.2021. As per the custody certificate dated 30.11.2024, the appellant's total custody in this FIR is three years, three months and fifteen days. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability further pre-trial incarceration at this stage.

8. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the appellant makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.

9. Given above, provided the appellant is not required in any other case, the appellant shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

10. While furnishing a personal bond, the appellant shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

11. This order is subject to the appellant’s complying with the following terms.

12. The appellant shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The appellant shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

13. This bail is conditional, and the foundational condition is that if the appellant indulges in any non-bailable offense, the State may file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.

14. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

15. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Appellant can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

16. **Appeal allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

13.12.2024
Jyoti-II

Whether speaking/reasoned: Yes
Whether reportable: No.