

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM No.M-10559 of 2015 (O&M)
Date of Decision: 01.04.2015

Kirpal Kaur @ Palan @ Harpal Kaur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE R.P. NAGRATH

1. Whether Reporters of the local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the digest?

Present: Mr. B.S. Bhalla, Advocate
for the petitioner.

R.P. Nagrath, J.

This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail in FIR No.74 dated 08.05.2014 under Sections 302, 34 IPC registered at Police Station Moga City. Petitioner is the wife of Gurcharan Singh.

I have heard learned counsel for the petitioner and perused the paper book quite carefully.

Gurcharan Singh, husband of petitioner and Nirmal Singh were real brothers. Nirmal Singh was the eldest son of Jagir Kaur. Gurcharan Singh is the youngest son of Jagir Kaur. They were in fact four brothers and all residing separately. Jagir Kaur mother of deceased recorded the FIR before the police. According to her,

Nirmal Singh sold about 16 Marlas of land for ₹ 19 lacs about one year ago and gave money to Gurcharan Singh, husband of the petitioner. Gurcharan Singh purchased a small house constructed over 5 Marlas of land for ₹ 7 lacs for residence of the complainant and Nirmal Singh. Later on, the complainant came to know that the title deed of the house was got executed in the name of Gurcharan Singh and he also got electric connection in his name. On 07.05.2014 Nirmal Singh went away from home informing his mother that he was going to take money from his brother Gurcharan Singh co-accused. Nirmal Singh returned home at about 11.00 PM but while entering the house Nirmal Singh suddenly fell down. Nirmal Singh disclosed to his mother that Gurcharan Singh and his wife, namely, petitioner forcibly made him to take tea and food and gave him merciless beating. Nirmal Singh died at about 8.00 AM.

Learned counsel for the petitioner submits that this is entirely a false story and the FIR has been recorded on false version at the instance of Suba Singh the other son of complainant. It was further contended that there is no evidence worth-while against the petitioner nor anything is to be recovered. It is further submitted that the doctor has given the opinion that the death of Nirmal Singh was natural and there was no injury found on his person.

Looking into the facts of the present case as recorded in the FIR, I find that the incident of murder of the son of complainant should be investigated without any hindrance in the investigation.

The version put up by complainant in the FIR is in the

nature of dying declaration of the deceased. Of course, it is for the investigating agency to find out whether the allegations are fabricated and false, but from the facts of the case, no ground is made out to grant of prearrest bail to the petitioner.

Dismissed.

01.04.2015
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(R.P. Nagrath)
Judge