

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

**CRM No.M-1334 of 2017 (O&M)
Date of decision:27.01.2017**

Baljit Kaur

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. N.S. Dandiwal, Advocate for the petitioner.

Mr. Neeraj Sharma, AAG, Punjab.

...

TEJINDER SINGH DHINDSA, J.

The present petition has been filed under Section 439 Cr.P.C. seeking benefit of regular bail to the petitioner pending trial in case FIR No.227, dated 24.11.2013, under Sections 302/201/148/149 IPC, registered at Police Station Dharamkot, District Moga.

Counsel for the parties have been heard.

FIR came to be registered on the statement of Sukhjinder Singh. Deceased is the brother of complainant, namely, Harjinder Singh. As per complainant's statement recorded on 24.11.2013, his brother Harjinder Singh (since deceased) use to have frequent altercations with his wife Baljit Kaur. On 24.11.2013, complainant asserted that his sister-in-law Baljit Kaur had informed him that her husband Harjinder Singh had received a call at 2 am and he has gone out from his house on his motorcycle but did not return back. Upon a search having been conducted by the complainant, his father Surmukh Singh and Ex Sarpanch of the village, body of Harjinder Singh was found lying by the side of a bridge. Injuries were noticed on the body as also rope marks were there around his neck. Complainant alleged

that his brother Harjinder Singh had been killed by certain unknown persons.

It is a blind FIR.

Present petitioner is none other than the wife of the deceased who is sought to be implicated on the statement of Narinder Kaur i.e. paternal aunt of the deceased recorded on 25.11.2013 wherein she stated that just prior to cremation of the body of Harjinder Singh, present petitioner had confided to her that she was being constantly harassed by her husband and on account of which she hatched a plan to eliminate her husband and towards executing such conspiracy engaged contract killers i.e. co-accused Gauri @ Hardev Singh, Gurmeet Singh @ Rinku and Sukhraj Singh @ kaka.

Petitioner was arrested on 28.11.2013.

The evidentiary value of such statement of Narinder Kaur dated 25.11.2013 and who would otherwise be seen as an interested witnesses would be a material aspect to be considered by the trial Court.

Co-accused Gauri @ Hardev Singh, Gurmeet Singh @ Rinku and Sukhraj Singh @ kaka have been granted benefit of bail.

It may be apposite to take note that Lovepreet Kaur daughter of the deceased has appeared before the trial Court as PW3 and has given yet another twist in the case by alleging that the present petitioner was in illicit relationship with one Kulwinder Singh and the murder has been committed in connivance.

Apparently based on the strength of such statement made by PW3, Kulwinder Singh has been summoned to face trial as an additional accused by virtue of an application moved by the prosecution under Section

319 Cr.P.C. having been allowed.

The circumstances noticed hereinabove clearly indicate that the trial would take time to conclude.

Present petitioner has faced incarceration since 28.11.2013.

The issue as regards offence under Section 302 IPC being made out against the petitioner would be a moot question to be considered by the trial Court.

Without making any observations on merits, prayer made in the present petition is allowed. Petitioner be enlarged on bail subject to satisfaction of the trial Court/Duty Magistrate, Moga.

Disposed of.

27.01.2017

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes |
| ii) | Whether reportable? | No |