

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-37774-2017 (O&M)

Date of Decision: 11.01.2018

Kirandeep Kaur

--Petitioner

Versus

State of Punjab

--Respondent

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

Present:- Mr. Vivek K. Thakur, Advocate for the petitioner.

Ms. Jaspreet Kaur, A.A.G., Punjab.

Mr. D.S. Pheruman, Advocate for the complainant.

TEJINDER SINGH DHINDSA.J (Oral)

CRM-410-2018

Application is allowed as prayed for.

Documents at Annexures P-4 to P-6 are taken on record.

Main Case

Petitioner seeks the benefit of regular bail in case F.I.R. No.51 dated 29.3.2016 under sections 302, 454, 380, 411, 120-B I.P.C, registered at Police Station, Tanda, District Hoshiarpur.

Learned counsel for the parties have been heard.

Briefly it may be noticed FIR came to be registered on the statement of Kuldeep Singh son of Kartar Singh. Deceased are Santosh Kaur and Sukhdev Singh i.e. real sister and brother-in-law respectively of the complainant. Present petitioner is the daughter-in-law of deceased Santosh Kaur.

As per statement of complainant Kuldeep Singh, he had received a telephonic call on 28.3.2016 from his other sister namely Vijay Kumari that she had gone to the house of Santosh Kaur and had discovered

Santosh Kaur as also her husband Sukhdev Singh immobile and not responding. There upon the complainant along with his wife Manjit Kaur had also proceeded to the spot and discovered the bodies of Santosh Kaur and Sukhdev Singh. There were no external marks of injury noticed on the bodies. Initial statement of complainant is that the death of both sister and brother-in-law appeared to be unnatural and accordingly postmortem of the dead bodies be got done and reason of death be ascertained. Complainant, however, stated that he had no suspicion over anybody. The bodies were discovered on 28.3.2016.

The present petitioner, who was otherwise residing in Australia is stated to have come back to India on the following day i.e. on 29.3.2016 when the cremation took place.

It has gone uncontroverted that as per Post Mortem Report furnished by the Medical Board the cause of death of both Santosh Kaur and Sukhdev Singh was given as asphyxia and by way of smothering.

It so transpires that the present petitioner is sought to be implicated on the basis of a supplementary statement recorded of Smt. Vijay Kumari i.e. sister of deceased Santosh Kaur recorded under section 161 Cr.P.C on 26.4.2016. Such supplementary statement has been placed on record at Annexure P-5 and has been perused. As per contents thereof the present petitioner is alleged to have made confessional statement before Vijay Kumari stating that she was in an illicit relationship with Jasjeet Singh i.e. son-in-law of Vijay Kumari and which fact had come in the knowledge of both the deceased. As per confessional statement Santosh Kaur and Sukhdev Singh i.e. in-laws of the petitioner were got murdered from Jasjeet Singh and his friends Ajay Kumar and Maninder Singh. Even

the gold ornaments were stated to have been stolen. Furthermore, as per supplementary statement certain messages exchanged between the present petitioner and Jasjeet Singh had also come in the knowledge of husband of the petitioner and it is under such circumstances that the confessional statement had been made before Vijay Kumari pleading for help in the matter.

Petitioner was arrested on 26.4.2016.

Investigation in the case is complete, challan presented and charges framed.

Learned State counsel upon instructions from H.C. Gurmeet Singh apprises the Court that out of 36 prosecution witnesses cited, 3 have been examined till date. The trial, as such, would take time to conclude.

It is a case of circumstantial evidence.

The main accused in the case would be seen as Jasjeet Singh. Even as per prosecution version the role of the present petitioner is that of a conspirator and has been booked with the aid of section 120-B I.P.C.

It may also be noticed that even though, prosecution is relying upon certain data extracted from the mobile phone recovered of main accused Jasjeet Singh which reflects certain Whats App having been received on his phone from the present petitioner, yet, at the same time as per challan the mobile phone make 'Lenovo A-6000' of the petitioner which had also been recovered, was sent to the F.S.L but as per report Ex.2 data could not be extracted from the mobile phone. However, data from the Micro S.D Card of such phone was extracted and a soft copy of the data was provided but which does not corroborate the Whats App messages contained in the phone recovered from Jasjeet Singh. In any event it is a

matter to be considered by the Trial Court.

In the totality of circumstances, without making any observations on merits and keeping in view the length of incarceration already suffered by the petitioner, she is held entitled to the benefit of bail. Petitioner be enlarged on bail subject to satisfaction of Trial Court/Duty Magistrate, Hoshiarpur.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

11.01.2018

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Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No