

218 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-7705-2018(O&M)

Date of decision:28.02.2018

Swaranjit Kaur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr.Narinder Singh, Advocate, for the petitioner.

Mr. Abhaypal Singh Gill, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail to the petitioner in case FIR No.118, dated 24.12.2016, under Sections 302/34 of IPC, registered at Police Station Tapa Mandi, District Barnala.

Learned counsel for the petitioner submits that as per allegation in the FIR, which was got recorded by father-in-law of the petitioner, namely, Malkit Singh it is alleged that he is a driver and his son i.e. deceased-husband of the petitioner-Dhanjeet Singh @ Dhana was also a driver. It is further stated in the FIR that his son was missing since 14.12.2016 and the complainant along with his family members were searching for his son and on 24.12.2016, he came to know that dead body of Dhanjeet Singh @ Dhana was recovered from a drain near the boundaries of village Dhilwan and his son has been killed by some unknown person and his half naked dead body was thrown in drain. It is further submitted that later on, during the investigation, the police recorded the statement of one Harnek Singh, a neighbour of the petitioner, who has stated that the petitioner was having illicit relations with one Gurpreet Singh @ Tota-

co-accused and he used to visit the house of the petitioner and even on 14.12.2016, he had seen him visiting house of the petitioner and he has suspicion that Dhanjeet Singh @ Dhana has been murdered by petitioner and Gurpreet Singh @ Tota in conspiracy with each other. Learned counsel for the petitioner further submits that the aforesaid Harnek Singh appeared as PW-2 and he has stated that he has full faith that murder of Dhanjeet Singh @ Dhana was committed by Gurpreet Singh @ Tota in connivance with the petitioner because they were having illicit relations. Learned counsel for the petitioner also submits that even as per statement of PW-2, it is stated that he has never seen any illicit relations of the petitioner with Gurpreet Singh and no person from the alleged Panchayat is cited as witness by the police.

He further submits that complainant-Malkit Singh has appeared as PW-1 and he has deposed on the same lines as given in the FIR and in the cross examination, this witness has stated that he was having cordial relation with his son-Dhanjeet Singh and daughter-in-law, petitioner-Swaranjit Kaur. This witness has further stated that the dead body of Dhanjeet Singh @ Dhanna was lying face downwards as such, he could not identified the dead body and had identified the same from the shoes. Learned counsel for the petitioner further submits that the statement of this witness was recorded after a long lapse of time and in the meantime, complainant-Malkit Singh, father of the deceased, has neither raised any suspicion on the character of petitioner nor he has never given any supplementary statement to the police to support the version given by PW-2-Harnek Singh. He further submits that the petitioner is in judicial lock up since 27.12.2016 and out of 22 witnesses, only 3 witnesses have been

examined and the conclusion of the trial will take long time. It is further stated that the petitioner has two minor children and except the petitioner, there is no other person to look after them.

Without commenting on the merits of the case, considering the fact that the petitioner is in judicial lock up since 27.12.2016; out of 22 witnesses, only 03 witnesses have been examined and PW-1 has not raised by suspicion about the character of the petitioner and PW-2 Harnek Singh, has also deposed that he has never seen the petitioner or the co-accused Gurpreet Singh having an illicit relations; the petitioner is having two minor children and has to look after them and also in view of the fact that the conclusion of the trial will take long time, the present petition is allowed and the petitioner is ordered to be released on bail subject to her furnishing bail /surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

(ARVIND SINGH SANGWAN)
JUDGE

28.02.2018
Hemlata

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