

CRM-M-32690-2019

Date of Decision : October 31, 2019

Priyanka Rani

....Petitioner

Versus

State of Punjab

....Respondent

CORAM : HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

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

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.145 dated 22.7.2018 under Sections 302/120-B IPC, registered at Police Station City, Sunam.

Counsel for the petitioner submits that as per the allegations in the FIR, which was registered at the statement of Raman Kumar, brother of Pradeep Kumar @ Lakhi Baba, the husband of petitioner Priyanka Rani, there was a land dispute with one Gursewak Singh and on that count, he has committed the murder of Pradeep Kumar @ Lakhi Baba. It is further submitted that deceased Pradeep Kumar @ Lakhi Baba was married with Priyanka Rani for the last 11 years and had two minor children, aged about 10 years and 07 years and he was residing separately from him by constructing his own house. It is further stated that in the FIR when the complainant visited the house of his brother Pradeep Kumar @ Lakhi Baba, he found one person sitting there and was asking his brother regarding his share of Rs.8,50,000/- from the sale of the land made through

the said person in village Mandera, whereas his brother replied that he has nothing against him and he has nothing to pay. Thereafter, his brother Pradeep Kumar @ Lakhi Baba told him that the said person was named Gursewak Singh and on 21.7.2018 he had verbal altercation with Gursewak Singh and, therefore Gursewak Singh attacked Pardeep Kumar @ Lakhi Baba with sharp knife in stomach 3/4 times and later he died in the hospital.

The counsel submits that the FIR is registered with a motive attributed towards Gursewak Singh that he has murdered his brother Pradeep Kumar @ Lakhi Baba due to some money dispute. Counsel for the petitioner further submits that, later on, the petitioner was nominated as an accused on the basis of some call details and Whatsapp chats between the petitioner and aforesaid Gursewak Singh. The counsel argued that deceased even used her phone to chat with Gursewak Singh. Counsel for the petitioner further submits that no motive is attributed to the petitioner who was living with her husband and two minor children and, later on, the complainant gave a supplementary statement that they were in touch with each other and having extra marital affairs without any basis.

Counsel for the petitioner also submits that accused Gursewak Singh was later on declared juvenile by the Court and the complainant has challenged the said order in which the proceedings have been stayed by this Court in CRM-M-13648-2019 and the case is still pending. Counsel for the petitioner further submits that proceedings of the trial are stalled and the petitioner is in custody since 24.7.2018. It is further submitted that the petitioner has two minor children and there is no other male member in the family to look after them as it is own case of the prosecution that the

husband of the petitioner had separated from the joint family three years ago when he constructed his own house.

Learned State counsel on instructions from SI Nazar Singh, has however, submitted that during the investigation the police recorded some *zimmis*, wherein the petitioner got recovered a mobile phone and from the phone it was found that she was in contact with Gursewak Singh and they even exchanged certain photographs and made Whatsapp chat and on the basis of which the complainant also given supplementary statement.

In reply, counsel for the petitioner has submitted that the chats between the petitioner and Gursewak Singh nowhere suggest that they have any extra marital affairs and only the call details are made part of the challan and the investigation is complete and the petitioner is no more required for any investigation.

Without commenting anything on the merits, considering the fact that the petitioner is in custody since 24.7.2018; the petitioner has two minor children; she is no more required for investigation and also in view of the evidence so collected against the petitioner, the present petition is allowed and the petitioner is directed to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, concerned.

(ARVIND SINGH SANGWAN)
JUDGE

October 31, 2019
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Whether speaking/reasoned : YES / NO
Whether reportable : YES / NO