

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

1. **CRM-M-33795-2019 (O&M)**

Kulvir Singh @ Keera ... Petitioner

Versus

State of Punjab ... Respondent

2. **CRM-M-35612-2019 (O&M)**

Shaminder Singh ... Petitioner

Versus

State of Punjab ... Respondent

Date of Decision:- 27.9.2019

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. S.P.S. Sidhu, Advocate with
Mr. Sarbuland S. Mann, Advocate for the petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab.

Mr. P.K.S. Phoolka, Advocate for the complainant.

GURVINDER SINGH GILL, J.

1. This order shall dispose of the above mentioned two petitions filed on behalf of Kulvir Singh @ Keera and Shaminder Singh seeking grant of regular bail in a case registered against them vide FIR No.35 dated 13.3.2019 under Sections 302/201/34/120-B IPC (later on offence under Section 306 has been added and Section 302 IPC was deleted), at Police Station Kotbhai, District Sri Muktsar Sahib.

2. The FIR was registered at the instance of Gurtej Singh wherein he has alleged that his sister Rashpinder Kaur was married to Shaminder Singh about 27 years back and who had been blessed with two children namely son Khushdeep Singh and daughter Sumandeep Kaur. It is alleged that after the marriage of his nephew Khushdeep Singh, complainant's brother-in-law Shaminder Singh used to quarrel with complainant's sister and consequently with the intervention of the relatives, they started residing separately. While, Shaminder Singh's father used to reside with complainant's sister, other members of the family used to reside separately with Shaminder Singh. It is alleged that since there was a marriage on 14.3.2019 in the parental village of complainant, therefore, his sister also came to parental village 7-8 days prior to the marriage. However, on 12.3.2019, at about 8 A.M., the complainant and his sister came to know that Sumandeep Kaur, daughter of complainant's sister, had expired. Somehow, Shaminder Singh never informed them about her death. The complainant along with his sister Rashpinder Kaur and other relatives reached village Kothe Duljewala where Shaminder Singh informed them that Sumandeep Kaur had died on account of '*Swine Flu*' and that they had also taken her to Delhi Heart Hospital, Bathinda and further that the doctor had advised them to immediately cremate Sumandeep Kaur. The complainant alleged that upon inquiries, they came to know that his niece had never been taken to any hospital and had infact been murdered as Shaminder Singh doubted the character of complainant's niece Sumandeep Kaur. The complainant alleged that he strongly suspects that Shaminder Singh, Veerpal Kaur, Kulvir Singh @Keera, Gurdeep Singh and Baljit Singh had murdered Sumandeep Kaur in

conspiracy with each other and had cremated her without informing the complainant.

3. The learned counsel for the petitioners has submitted that they have falsely been implicated in the present case apparently on account of the fact that there was some kind of matrimonial discord between Shaminder Singh and his wife Rashpinder Kaur, who happens to be sister of the complainant. The learned counsel has further submitted that in any case during investigation, no offence under Section 302 IPC was found to be made out and challan has been presented in respect of offence under Section 306 IPC whereas the evidence collected during the course of investigation does not show any kind of abetment on part of the accused which could have prompted the deceased to commit suicide.
4. Opposing the petition, the learned State counsel assisted by learned counsel for the complainant has submitted that from the evidence collected during the course of investigation, it is apparent that the accused had a role to play in the death of Sumandeep Kaur. The learned State counsel has submitted that during the course of investigation, statement of one Surinderpal @ Goggi had been recorded who has stated that on 11.3.2019, he had seen both the petitioners fighting with deceased. The learned State counsel has further submitted the very fact that the body of the deceased was cremated in a hurried manner without even informing her mother and other relatives and without even getting any postmortem examination conducted speaks volume about the conduct and guilt of the accused and that in these circumstances, no case for grant of bail is made out.

5. I have considered rival submissions addressed before this Court. Although, the stand of the petitioners is that the deceased had contracted '*Swine Flu*' and that although she was taken to a hospital but she could not survive but there is no evidence on record to substantiate the aforesaid stand inasmuch as there is no evidence to show that the deceased was ever taken to any doctor or any hospital. Further, in any case, the manner in which the dead body of Sumandeep Kaur was cremated without even informing her real mother is a circumstance which can not be overlooked lightly and is something which rather points the needle of suspicion towards the petitioners. Further, even the statement of Surinderpal @ Goggi would prima facie substantiate the case of the prosecution.
6. In view of the aforesaid circumstances, this Court does not find any case for grant of bail to the petitioners at this stage. Both the petitions are sans any merit and are hereby dismissed.

27.9.2019

kamal

(Gurvinder Singh Gill)
JudgeWhether speaking /reasoned
Whether ReportableYes / No
Yes / No