

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-41254 of 2019
Date of Decision: 30.09.2019

Jasbir Kaur

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. K.S. Dhaliwal, Advocate
for the petitioner.

Mr. Gurvinder Singh Sidhu, Advocate
for the complainant.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.121 dated 02.06.2019 registered for offences punishable under Sections 147, 149, 302 and 120-B of Indian Penal Code (for short, "IPC") and 25 of the Arms Act, at Police Station Kalanwali, District Sirsa.

Heard.

Notice of motion.

On asking of the Court, Mr. Munish Sharma, AAG Haryana, who is present in the Court accepts notice and submits that intimation by Registry informing of fixation of the petition has already been received and record of the case is available with him.

As per case of prosecution, uncle of complainant, namely, Shiv Karran Singh @ Nikka, had gone to offer *kachhi lassi* at the '*maddi*' of his ancestors in the field. In the meanwhile, Dalbir Singh, Raghubir Singh, Sukhwant Singh, Amandeep Singh and Jaswant Singh came there. Dalbir

Singh and Sukhwant Singh were armed with pistols while others were armed with *dandas*. Dalbir Singh and Sukhwant Singh fired at Shiv Karan Singh @ Nikka while others caused him injuries with *dandas* resulting in his death at the spot. There was a land dispute between the parties, as such, Darshan Singh hatched a conspiracy to kill Shiv Karan Singh @ Nikka.

Learned State counsel submits that petitioner is wife of Darshan Singh. As per disclosure statement of Darshan Singh, she was also present in the house when conspiracy to kill Shiv Karan Singh @ Nikka was hatched. Similar statements were made by wife and mother of deceased after three days of the incident.

Learned counsel for the complainant submits that being one of the conspirators, petitioner should not be allowed regular bail as it will pose danger to life and liberty of complainant-Harjinder Singh, who is left as only male member in the family.

As per allegations in the FIR, Darshan Singh is main conspirator. Petitioner is wife of Darshan Singh. After completion of investigation, challan against petitioner and other co-accused has been presented in Court and the case has been committed to Court of Sessions.

The petitioner was arrested in this case on 08.06.2019. Disclosure statement made by Darshan Singh is the matter of scrutiny before the trial Court. Darshan Singh, the main conspirator, has been named in the FIR and the police has collected evidence against him for hatching the conspiracy to kill the deceased. As per learned State counsel, weapons were also provided by Darshan Singh to all the five assailants.

Without expressing any opinion on merits of the case and keeping in view above facts and that conclusion of trial will take

considerably long time, the present petition is allowed. Petitioner-Jasbir Kaur is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of her absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel her bail bond and surety bond and proceed to procure her presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- (c) She shall not leave the country without the previous permission of the Court.

To allay apprehension of learned counsel for complainant, Superintendent of Police, Sirsa is directed to take appropriate steps for the safety and security of the complainant and his family members.

Copy of this order be sent to Superintendent of Police, Sirsa.

September 30, 2019
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No