

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

**AT CHANDIGARH**

**Criminal Misc. No.M-51700 of 2019**

**Date of Decision: 19.12.2019**

Shabeg Singh & another

...Petitioner (s)

Versus

State of Haryana

...Respondent(s)

**CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA**

Present:- Mr. R.S. Cheema, Sr. Advocate with  
Mr. Arshdeep Singh Cheema, Advocate  
for the petitioners.

Ms. Priyanka Sadar, AAG, Haryana.

Mr. Keshav Partap Singh, Advocate  
for the complainant.

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**HARI PAL VERMA, J. (Oral)**

Prayer in the present petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioners in case FIR No.512 dated 11.07.2019 under Sections 364-A, 365, 302, 201/120-B IPC registered at Police Station Assandh, District Karnal.

The aforesaid FIR was registered at the behest of Jagtar Singh, complainant, who is husband of deceased Komalpreet Kaur. As per the FIR, the complainant had solemnised marriage with the deceased

Komalpreet Kaur on 21.06.2019 and on 25.06.2019, a Panchayat was

convened at Village Borsham, which is the village of maternal uncle of the deceased and in this Panchayat, the accused persons, as mentioned in the FIR, had taken Komalpreet Kaur to their house on the pretext that they will solemnise marriage of the deceased with the complainant as per Sikh rites on 25.07.2019. Since deceased was having mobile phone Nos.996733161 and 9896538824, which were functional, the complainant used to have conversation with her every day. However, after 07.07.2019, the complainant could not talk to Komalpreet Kaur, as her mobile phone went switched off. The complainant had some suspicion against the accused, as named in the FIR and apprehended that they might have caused some harm to Komalpreet Kaur or might have killed her.

After the registration of the FIR, in his disclosure statement, the accused Lashkar Singh @ Bobby had stated that during the night of 07.07.2019 at about 9:15 P.M., he along with his brother Narinder Singh, his sister-in-law Satwinder Kaur, Nirmal Kaur, his nephew Jasmer Singh @ Jowanpreet Singh, his wife Amandeep Kaur were present at the house and were waiting for Komalpreet Kaur to sleep. No sooner did Komalpreet Kaur went in sleep, Narinder Singh switched off the phone of Komalpreet Kaur. At about 10-00 P.M, he strangulated the neck of his niece Komalpreet Kaur while she was in sleep. The other accused Satwinder Kaur, Nirmal Kaur, Jowanpreet Singh, Amandeep Kaur remained standing outside to keep a vigil so that nobody could come over there and after waiting for 10 minutes, Komalpreet Kaur had died. Thereafter, Lashkar Singh along with Narinder Singh, Satwinder Kaur, Nirmal Kaur, Jowanpreet Singh, Amandeep Kaur saw that the girl was dead and as per

their pre-decision, they gave intimation thereof to Pargat Singh, Harpal Singh, Gurmeet Singh, Panjab Singh, Gurmukh Singh, Shabeg Singh that as per their pre-plan, they have killed Satwinder Kaur, Nirmal Kaur, Jowan Singh, Amandeep Kaur.

Mr. Cheema, learned senior counsel appearing for the petitioners, has argued that similar disclosure statement has been made by Narinder Singh. In the initial version, no role has been attributed to the petitioners. Moreover, the complainant and Komalpreet Kaur had approached this Court by filing CRM-M-17020-2019 *Komalpreet Kaur & anr. Vs. State of Haryana & ors.* so as to seek protection of their life and liberty for having solemnised their marriage against the wishes of their parents. The petitioners were never arrayed as respondents in that petition. Since the complainant and deceased were apprehending threat at the hands of mother, uncles, and brother of the deceased, they were impleaded in the CRM-M-17020-2019. He has further argued that the investigating agency has not found the petitioners involved in the murder of Komalpreet Kaur. There is no allegation against the petitioners in the FIR, but still they are being named as accused merely on the basis of disclosure statements made by Lashkar Singh and Narinder Singh. Even otherwise, petitioners cannot be named as accused merely on the statement of co-accused. At the most, the allegation against the petitioners is their participation in the cremation of the deceased.

Learned counsel for the complainant has argued that the petitioners are accused of honour killing and they were part of the conspiracy for committing murder of Komalpreet Kaur, as their call details

establish that they were in touch with each other at the time when the deceased Komalpreet Kaur was strangled by the accused. He has further submitted that in the FIR version, the complainant could not specifically name the petitioners for the reason that he had hardly solemnised his marriage with the deceased on 21.06.2019 and therefore, he was not in the knowledge of these close relatives and therefore, the names of the accused could not be mentioned in the FIR. Moreover, the contents of the FIR cannot be read as an encyclopaedia. He has further submitted that pursuant to the disclosure statements of Lashkar Singh and Narinder Singh, one gunny bag and a *tasla* were recovered in the case, which contained ashes and one bone, which have been sent to the Forensic Science Laboratory for its examination.

I have heard learned counsel for the parties.

The petitioners are in custody since 26.08.2019. In the initial version so recorded at the behest of the complainant, the names of the petitioners have specifically not been mentioned. It is on the disclosure statements of Lashkar Singh and Narinder Singh, they have been named. Though the disclosure statement of Lashkar Singh has been attached with the file, but there is no dispute between the parties that Narinder Singh has also made his disclosure statement on similar lines. The petitioners were not found present at the time of death of Komalpreet Kaur, who was already strangled by the other accused. It has been pointed out that there are call details between the petitioners and Lashkar Singh at about 7-30 P.M. However, in the case in hand, the deceased was strangled at 10-00 P.M. Moreover, the petitioners despite being residents of same village,

were not present at the time of commission of offence. Therefore, their strict culpability is yet to be established. Even otherwise, the petitioners are in distant relations i.e. collaterals. Considering the fact that trial in the case is not likely to be concluded in near future and the petitioners did not figure in the initial version and no prosecution witness has been examined so far and only challan has been presented in the case, this Court deems it appropriate to release the petitioners on regular bail.

Accordingly, the present petition is allowed and the petitioners are admitted on regular bail, subject to furnishing of their bail bonds/surety bonds to the satisfaction of trial Court/Duty Magistrate.

However, it is made clear that the observation made hereinabove shall not be construed as an expression on the merits of the case.

December 19, 2019  
**AK**

**( HARI PAL VERMA )**  
**JUDGE**

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No