

229 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of decision-16.03.2020

1. CRM-M-5930-2020

Kanwaljit Kaur

....Petitioner

Vs.

State of Punjab

...Respondent

2. CRM-M-7132-2020

Gobinda

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Gobind Singh Randhawa, Advocate for the petitioners.

Ms. Monika Jalota, DAG, Punjab.

MANOJ BAJAJ, J.

Petitioners in above mentioned petitions have prayed for grant of regular bail under Section 439 Cr.P.C in case FIR No.14 dated 27.02.2019 registered under Sections 302 and 201 of Indian Penal Code, 1860 at Police Station Ghoman Police District Batala, District Gurdaspur. Petitioners are in custody since their arrest on 27.02.2019.

The FIR was registered on the basis of the statement of complainant, namely, Nishan Singh son of Makhan Singh wherein it was alleged that he works as a labourer and has six brothers and sisters. His

sisters were married whereas one brother, namely, Khushdeep Singh was unmarried. Complainant's younger brother-Satnam Singh was married to Kanwaljit Kaur (petitioner in CRM-M-5930-2020) and they were blessed with a son and a daughter. Complainant's sister-in-law had illicit relations with one Gobinda (petitioner in CRM-M-7132-2020) who used to meet her in the midnight. On the date of occurrence, all family members went for sleep in their respective rooms but in the morning Satnam Singh did not wake up. All members came to know that Satnam Singh had died. Kanwaljit Kaur informed that he had died due to heart attack. When the victim was given a bath, the marks of strangulation on the neck of the Satnam Singh were noticed, however, the body was cremated. According to the complainant, Kanwaljit Kaur in connivance with Gobinda murdered Satnam Singh by strangulating after giving him sleeping pills. On these broad allegations, FIR was registered after a delay of 13 days.

Learned counsel for the petitioners contends that the FIR was lodged against the petitioners on the basis of suspicion alone as there is no evidence with the prosecution to establish the homicidal death of the victim, namely, Satnam Singh. It is pointed out that the investigation of the case is complete and the trial has commenced and the material witnesses including the complainant have been examined by the prosecution. It is further pointed out that there is delay of 13 days in filing the present FIR. He submits that the trial is likely to consume considerable time, therefore further custody of the petitioners may not be necessary. He prays that the petitioners be released on regular bail during the pendency of the trial.

On the contrary, learned State counsel assisted by ASI Gurmukh Singh has opposed the prayer on the ground that the petitioners were having an illicit relations and they in connivance with each other strangled the victim. It is pointed out that before cremation, strangulation marks were seen on the person of the victim by the complainant, however, the matter was not reported to the Police and the dead body was cremated, therefore, there is no postmortem report on record. It is pointed out that 04 prosecution witnesses including the complainant have been examined so far, out of the total 13 witnesses.

Considering the above background, custody of the petitioners and the fact that the trial of the case is likely to consume considerable time to conclude, therefore, further detention of the petitioners who are in judicial custody may not be necessary. Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioners be released on regular bail subject to their furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

Both the petitions are allowed.

(MANOJ BAJAJ)
JUDGE

16.03.2020

vanita

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No