

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-11621-2020 (O&M)

Date of Decision: 18.08.2020

Rajwinder Kaur

... Petitioner

VS.

State of Punjab

... Respondent

CRM-M-13137-2020 (O&M)

Date of Decision: 18.08.2020

Satnam Singh

... Petitioner

VS.

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE GIRISH AGNIHOTRI

Present: Mr. Vikas Gupta, Advocate,
Ms. Anupama Bhanot, Advocate,
Mr. Brijesh Nandan, Advocate,
Mr. APS Sandhu, Advocate
for the petitioners

Mr. HS Sullar, DAG Punjab

Mr. Amit Arora, Advocate for the complainant

GIRISH AGNIHOTRI, J. (Oral)

The matter has been taken up through video conferencing on account of lockdown due to outbreak of COVID-19 pandemic.

This order shall dispose of the above-cited two criminal miscellaneous petitions filed by one Rajwinder Kaur, aged 34 years (**CRM-M-11621-2020**) and another by Satnam Singh, aged 35 years (**CRM-M-13137-2020**) *inter alia* praying for grant of regular bail to them. Both the petitioners have been allegedly involved in case FIR No.159 dated 17.10.2018 under Sections 302/506/148/149 IPC and Sections 25/27 of Arms Act, 1959 (Sections 148/149 IPC and Section 25/27 of Arms Act, 1959 were deleted and Section 34

IPC was added later on), registered at PS Goindwal Sahib, District Tarn Taran. CRM-M-11621-2020 is being treated as the lead case for the purposes of order.

Learned counsel based upon the pleadings submits that a perusal of the FIR would show that son of the petitioner - Rajwinder Kaur had filed a complaint that his mother had gone to Singapore. She had come back 4-5 months back. She was scheduled to go to Singapore on 17.10.2018 by evening flight. It is then alleged in the FIR that at 9.30 pm, a night prior, when everybody had gone off to sleep then allegedly at about 11.30 pm, he saw 5-6 unidentified persons who were wearing *khakhi* colour clothes. They pushed the mother of the complainant and threw her from the bed. The complainant then alleges that the said persons brought his father out of the room and then there are many allegations as stated in the FIR. Learned counsel has then referred to the statement of the complainant to submit that there appears to be a different version other than the FIR. He then refers to the cross-examination of the complainant to further mention that here accused Gurmukh Singh is also named. At this stage, he then submits that Gurmukh Singh co-accused has been granted bail vide order dated 19.02.2020 in CRM-M-46043-2019.

Learned State counsel submits that there are a total of 27 witnesses out of which, only 2 have been examined till date. He, however, opposes the grant of bail on merits.

Learned counsel for the complainant Mr. Amit Arora submits that the alleged incident is of 17.10.2018. It is the case where the father of the complainant was murdered. He submits that the mother of the complainant and Satnam Singh were allegedly having illicit relations.

Faced with this situation, learned counsel for the petitioner submits that both the petitioners were arrested on 21.10.2018. They further submit that

petitioner - Rajwinder Kaur is the mother of the complainant and it appears that because of some misunderstanding, the complainant had lodged the complaint against his mother. She, however, has love and affection for the complainant.

Counsel for the petitioners then submits that due to COVID situation retention of the petitioners in jail is dangerous to their life and otherwise also the trial is likely to take some time.

In view of the above, this Court deems it appropriate to release the petitioners on regular bail subject to their furnishing adequate bail bonds/surety bonds to the satisfaction of the Duty Magistrate/trial court concerned.

In view of the peculiar circumstances as noticed above, in addition to bail bonds/additional surety which the trial court may further require the petitioners to furnish as it deems appropriate, the petitioner Rajwinder Kaur is directed to furnish two FDRs of Rs.25 lakhs each made in the name of both her sons, namely, the complainant as well as Aakashdeep and give an undertaking which shall be duly sent to the Bank that one FDR shall not be encashed by anyone except the same can be used for the benefit of minor son Aakashdeep. The said FDRs shall be deposited within one month from the date of release of the petitioners before the Duty Magistrate/trial Court.

However, it is made clear that anything observed herein shall not be construed to be an expression on merits of the case.

A photocopy of this order be placed on the file of second case.

Disposed of.

18.08.2020

vishal shonkar

1. *Whether speaking/reasoned?*
2. *Whether reportable?*

(Girish Agnihotri)
Judge

Yes/No
Yes/No