

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

(1) CRM-M-18602-2020 (O&M)
Date of decision: 16.11.2020

Jasbir Kaur

...Petitioner

Versus

State of Haryana

...Respondent

(2) CRM-M-21922-2020 (O&M)
Date of decision: 16.11.2020

Simarjit Kaur

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. B.S. Sra, Advocate for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

Mr. Vineet Chaudhary, Advocate for the complainant.

H.S. MADAAN, J. (Oral)

Case taken up through video conferencing.

By this order, the aforementioned petitions are decided being arising out of the same FIR. Petition No.CRM-M-18602-2020 filed by petitioner Jasbir Kaur and petition CRM-M No.21922-2020 filed by Simarjit Kaur, both of them being accused in FIR No.284 dated

22.06.2020, for offences under Sections 323, 324, 498-A and 34 IPC (Section 326 IPC added later on), registered with Police Station Rania, District Sirsa.

Briefly stated facts of the case as per prosecution version are that, criminal machinery in this case was set into motion by complainant Sukhwinder Kaur wife of Khushwant Singh, R/o Damdama, who in the statement got recorded with the police stated that she got married with Khushwant Singh about 9-10 years earlier and had given birth to a son from his loins; for the last 2-3 years, her husband had developed relations with a girl namely Simran (present petitioner) belonging to Chandigarh; said Simran had been visiting their house at Damdama; despite several panchayats being convened and efforts made to dissuade Khushwant Singh from maintaining relations with Simran, he proceeded in doing so; on 19.06.2020, Simran came to matrimonial home of the complainant and stayed there for 02 days; Simran had stated that she would take Khushwant Singh abroad and as such, the complainant should divorce him; mother in-law of the complainant, namely, Jasbir Kaur, father in-law namely Jagdeep Singh and husband Khushwant Singh also pressurized the complainant to divorce Khushwant Singh, however, the complainant refused to do so; on 21.06.2020 at about 11.00 AM, when the complainant had gone to the roof top and asked her mother in-law and husband to send Simran back and then her mother in-law and husband started saying that Simran would stay there, however, the complainant could leave the matrimonial home; the complainant refused to do so; Simran caught hold of the complainant from her hair, whereas,

Khushwant Singh picked up a datar lying in the verandah of the roof and gave blow with the same on right hand of the complainant; the complainant fell down; then Khushwant Singh, Simran and Jasbir Kaur gave beatings to her; thereafter, Khushwant Singh and Simran left home; the complainant informed her parental family, who came to matrimonial home of complainant and took her to CHC Rania, where she was given medical aid and was medico-legally examined and thereafter, referred to Govt. Hospital Sirsa. She was treated there. After registration of the formal FIR, investigation in the case started.

Apprehending their arrest in this case, petitioners Jasbir Kaur and Simarjit Kaur had filed petitions for grant of pre-arrest bail before the Court of Sessions at Sirsa, but, their such petitions were dismissed. As such, they have knocked at the door of this Court by way of filing the present petitions, craving for grant of similar relief, which request is opposed by the State counsel and counsel for the complainant.

I have heard learned counsel for the parties besides going through the record.

As per prosecution version, the main source of dispute is Simarjit Kaur referred to as Simran in the FIR and inasmuch as, she had been maintaining illicit relations with Khushwant Singh, husband of the complainant, even coming to the matrimonial home, to which the complainant had objected and further, on refusal of complainant to divorce Khushwant Singh as desired by Khushwant Singh himself, his parents and Simarjit Kaur, complainant was given beatings by Khushwant Singh, Jasbir Kaur his mother and Simarjit Kaur. Simarjit Kaur is shown

to have played an active role in the incident, catching the complainant by her hair, whereas, Khushwant Singh had caused injuries to the complainant with a datar. One of the injury was declared to be grievous in nature. Though, Simarjit Kaur has joined the investigation in terms of the directions issued to her by this Court but as submitted by State counsel, her custodial interrogation is necessary for unfolding the complete story. I am of the considered view that considering the nature of allegations against petitioner Simarjit Kaur, which are quite grave and serious as well as her taking active part in the incident in which the complainant had suffered injuries, no case for grant of pre-arrest bail to her is made out. Her custodial interrogation is found to be necessary for complete and effective investigation as to under what circumstances, she had started maintaining illicit relations with Khushwant Singh husband of complainant, the motive behind her pressurizing the complainant to divorce Khushwant Singh and how the incident in which the complainant suffered injuries was planned and executed. In case, the custodial interrogation of Simarjit Kaur is denied to the investigating agency that shall seriously affect the investigation, leaving many loopholes and gaps, which is uncalled for. Therefore, as far as petitioner Simarjit Kaur is concerned, the petition for grant of pre-arrest bail so moved on her behalf stands dismissed.

Whereas, coming to petition for anticipatory bail moved on behalf of Jasbir Kaur, she has also joined the investigation in terms of the order issued to her by this Court while granting interim bail to her. The State counsel on instructions from ASI Ramphal has stated that no

recovery is to be effected from the petitioner, therefore, her custodial interrogation is not required. Furthermore, even as per prosecution story, the petitioner had not inflicted any specific injury to the complainant. Petitioner Jasbir Kaur is stated to be an aged woman of 54 years. Considering the facts and circumstances of the case and the statement made by State counsel, I find it a fit case to grant pre-arrest bail to petitioner Jasbir Kaur. Accordingly, the petition so moved by her is allowed. The interim bail granted to petitioner Jasbir Kaur in CRM-M-18602-2020, vide order dated 14.07.2020 is made absolute, subject to the following conditions:-

- 1.That the petitioner shall make herself available for interrogation by a police officer as and when required;
- 2.That she shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;
- 3.That she shall not leave India without prior permission of the Court.
- 4.She shall surrender her passport before the Investigating Officer and if she is not having passport, then, shall file the affidavit in that regard.

In case, the petitioner Jasbir Kaur violates any terms & conditions, on which the bail has been granted to her, the prosecution would be entitled to apply for cancellation of bail.

16.11.2020

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(H.S. MADAAN)
JUDGE

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