

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 102

CRM-M-21077-2020

Date of decision : 30.07.2020

Sarbjeeet Kaur

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

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

Mr.J.S.Ghumman, DAG, Punjab.

DEEPAK SIBAL, J. (ORAL)

Case taken up through video conferencing.

The petitioner has filed the present petition under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No.65, dated 30.05.2020 registered under Sections 302 and 120-B IPC (Section 201 IPC added later on) at Police Station Mehta, District Amritsar Rural.

The case of the prosecution is that Palwinder Singh had illicit relations with Paramjit Kaur and when this fact came to the knowledge of his wife Daljit Kaur (deceased) a dispute took place between them. Thereafter on 30.05.2020 Daljit Kaur was murdered. During the course of investigation Palwinder Singh stated that his wife (deceased) had been strangled by him and during commission of such offence the deceased urinated and soiled her clothes. Therefore, Palwinder Singh alongwith the petitioner (sister-in-law of Palwinder Singh) changed the deceased's clothes.

Learned counsel for the petitioner submits that the only evidence against the petitioner is the alleged statement of Palwinder Singh recorded during the course of his interrogation and such statement in terms

of Section 27 of the Evidence Act, 1872 cannot be read in evidence. He therefore prays that the petitioner be granted anticipatory bail.

Learned State counsel opposes the grant of bail on the ground that the custodial interrogation of the petitioner is necessary as her presence at the time of the offence, which is serious in nature, has been established through Palwinder Singh's statement made by him under Section 161 Cr.P.C. It is further submitted that the petitioner has participated in changing the clothes of the deceased and thus was a party to the crime.

During the course of investigation Palwinder Singh has stated to the police that he killed Daljit Kaur by strangulation and since during such process Daljit Kaur urinated and soiled her clothes he alongwith the petitioner changed Daljit Kaur's clothes. The veracity and evidentiary value of such statement would be deciphered during the course of the trial. However, at the stage of investigation Palwinder Singh has stated that petitioner was present at the spot of the occurrence during or around the time when the murder of Daljit Kaur took place. The petitioner is further stated to have changed the deceased's clothes which got soiled in the process of her alleged murder.

In the light of the above, for a fair investigation into the alleged murder of Daljit Kaur, the petitioner's custodial interrogation is certainly required.

Dismissed.

30.07.2020

shamsher

[DEEPAK SIBAL]

JUDGE

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No