

205(1) IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1. CRM-M-22003-2020(O&M)

Amandeep Kaur

.....Petitioner

Versus

State of Punjab

.....Respondent

2. CRM-M-23116-2020(O&M)

Charanjit Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

Date of decision: 5.10.2020

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr.Satir Gill, Advocate for the petitioner
in CRM-M-22003-2020
Mr. J.S.Thind, Advocate for the petitioner
in CRM-M-23116-2020
Ms. Samina Dhir, DAG, Punjab
Mr. Nirmalpreet Singh Hira, Advocate for the complainant

ANIL KSHETARPAL, J. (ORAL)

By this order, two criminal petitions i.e CRM-M-22003-2020
and CRM-M-23116-2020, shall stand disposed of.

On 16.9.2020, the following order was passed by this Court:-

“This order be read in CRM-M-22003-2020 and CRM-M-23116-2020. Amandeep Kaur and Charanjit Singh, have filed two separate petitions under Section 438 of Cr.P.C., for grant of pre-arrest bail in each case arising from FIR No.163, dated 03.07.2020, registered under Sections 302/201/34 of the Indian Penal Code, 1860, at Police Station Kamboj, District Amritsar.

In a nutshell, the case of the prosecution has been stated by the Deputy Superintendent of Police, which is extracted as under:-

“In a nutshell, the facts revealed during the investigation of the case are that the FIR No. 163 dated 03.07.2020 under sections 302, 201/34 of the Indian Penal Code was registered at Police Station Kamboj, Amritsar Rural

against the petitioner Charanjit Singh and coaccused Amandeep Kaur on the basis of a detailed enquiry conducted by Yadwinder Singh, Inspector, S.H.O. of Police Station Kamboj, Amritsar (Rural) as per the directions of the Senior Superintendent of Police, Amritsar (Rural) on the complaint No.497-AP dated 08.06.2020 filed by Jaswant Singh son of Makhan Singh, father of the deceased Hari Singh, wherein he alleged that marriage of his son Hari Singh was solemnized with the co-accused Amandeep Kaur about 12 years ago and they had two children from their wedlock. The petitioner was a school time friend of his son Hari Singh and on visiting terms to their house. It further alleged that when Hari Singh had gone to Dubai for the purpose of his employment, co accused Amandeep Kaur developed extra-marital relations with the petitioner. He further alleged about 5 months ago, co-accused Amandeep Kaur and petitioner called Hari Singh back from Dubai on the allurement of sending him to England but they did not send him England. He further alleged that the petitioner took Amandeep Kaur to Malaysia and they stayed there together for 10 days and his son Hari Singh had stopped his wife Amandeep Kaur from going out with the petitioner. It further alleged that thereafter, co-accused Armandeep Kaur used to raise dispute with all the family members on pity issues and on 22.5.2020, the petitioner came to their house and had a dinner along with the deceased Hari Singh and co-accused Amandeep Kaur and thereafter all of three went to the upper portion of the house, while his grand children slept with him. He further alleged that on the next morning, i.e., on 23.05.2020 at about 5 A.M, he called his son Hari Singh but he did not respond and co-accused Amandeep Kaur told him that Hari Singh was not feeling well and alter that when he went upstairs, he found that Hari Singh was lying on the bed covered with blanket and he shook him to awake him but he was breathless and had died. The co-accused Amandeep Kaur she did not give any satisfactory reply to him and kept on talking with someone on the mobile phone. He further alleged that at that time, the whole family was in big shock due to sudden death of Hari Singh and co-accused Amandeep Kaur and petitioner

took benefit of that and cremated dead body of Hari Singh in post haste under the garb of Pandemic of corona virus. He further alleged that when they gave bath to the dead body of Hari Singh there were wounds on his body. He further alleged that after seriously thinking over the matter, he was confident that co-accused Amandeep Kaur and petitioner had murdered his son Hari Singh after hatching a conspiracy in connivance of each other as he was an obstruction in their illicit relationship.”

Learned counsels appearing for the petitioner contends that there is a delay of 1 month and 11 days, in lodging of the FIR. He further contends that there is no medical evidence and the petitioner-Amandeep Kaur, is sought to be falsely implicated in order to deprive her, of her share in the property. Learned counsels further, contends that during the subsistence of 12 years of marriage between Hari Singh and Amandeep Kaur, there was no complaint against Amandeep Kaur. They further contend that the case set up by the prosecution is highly improbable because once the parents of the deceased are alleged to have noticed injuries on the corpse of their son Hari Singh (since deceased), there was no occasion for them to wait for 1 ½ months.

Notice of motion.

Mr. Pawan Sharda, Sr. DAG, Punjab, accepts notice on behalf of State of Punjab and seeks time to get instructions.

Keeping in view the facts of the case and contention of the learned counsel for the parties, this Court is of the considered view that let the petitioners join the investigation.

Adjourned to 05.10.2020.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

A photocopy of this order be placed on the files of other connected cases.”

Learned State counsel on instructions from ASI Jatinder

Singh, has submitted that the petitioners (in both the petitions) have joined

the investigation, cooperated and are not required for further custodial
interrogation.

In view of the above, order dated 16.9.2020, is hereby made
absolute.

Both the petitions stand allowed.

5.10.2020

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Whether speaking/reasoned Yes / No

Whether Reportable Yes / No

(ANIL KSHETARPAL)
JUDGE