

Sr. No. 203

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

CRM-M-24365 of 2019 (O&M)

DATE OF DECISION : 25.09.2020

Manpreet Kaur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Jasdeep Singh, Advocate,
for the petitioner.

Mr. Luvinder Sofat, AAG Punjab.
(Presence marked through video conference)

ARUN MONGA, J. (ORAL)

1. Petitioner seeks regular bail in FIR No. 99 dated 23.09.2018, registered under Sections 302, 201, 120-B read with Section 34 IPC, Police Station Sadar Rampura, District Bathinda.

2. Per record, initially DDR No. 22 dated 20.09.2018 was got entered on the basis of information supplied by Gurpreet Singh on 18.09.2018 about missing of his father Chand Singh. During investigation, it came to light that an unknown dead body was recovered from lake near Joggers Park, Bathinda on 16.09.2018. Dead body was kept at Civil Hospital, Bathinda and none came forward to claim it. The dead body was cremated on 18.09.2018. On 20.09.2018, the photographs and belongings of dead body were identified by Ranjit Kaur, daughter of deceased Chand Singh and her husband, as those of Chand Singh. Ranjit Kaur informed the police that the petitioner, daughter-in-law of deceased along with one Lachhman Singh @ Lachhu, with whom she was having illicit relations, as

the suspected murderers. It is also stated in the complaint that her brother (husband of petitioner) is a simpleton and he has been made a drug addict by the petitioner. She was stopped by Chand Singh to meet Lachhman Singh. The petitioner and her family members were insisting Chand Singh to transfer his property in the name of the petitioner. Complainant thus suspected that her father had been murdered by petitioner and her associates. FIR was registered against the petitioner, her brother Jagsir Singh @ Jagga, Lachhman Singh @ Lachhu and Gurpreet Kaur.

3. During investigation, on 26.09.2018 one Jagsir Singh informed the police that Gurnam Singh @ Nikka and Jagsir Singh @ Jagga had made extra judicial confession before him admitting of having murdered Chand Singh by strangulation and dumping the dead body into canal.

4. Police also recorded the statement of one Malkit Singh on 26.09.2018 to the effect that on 09.09.2018 he had seen the deceased in the company of Gurnam Singh @ Nikka and Jagsir Singh @ Jagga. Gurnam Singh @ Nikka was also nominated in the case and was arrested on 27.09.2018. He disclosed to the police about having brought Chand Singh to the house of Jagsir Singh @ Jagga Singh on the pretext of showing him buffalo and then they murdered him. He also got the blood stained clothes recovered.

6. On 30.09.2018 Jagsir Singh @ Jagga was also arrested and on his information, petitioner was arrested on the same date on having conspired with co-accused to murder her father-in-law Chand Singh.

7. Learned counsel submits that the entire case is based on circumstantial evidence. There is no direct evidence against the petitioner. He points out that PW2 Jagsir Singh, before whom the co-accused namely

Gurnam Singh @ Nikka and Jagsir Singh @ Jagga had allegedly made extra judicial confession about their involvement in the murder of Chand Singh and, PW3 Malkit Singh, who had lastly seen the deceased in their company, have both been examined. Both of them have not supported the case of the prosecution and have turned hostile.

8. According to the counsel, there is no incriminating evidence against the petitioner showing her involvement in the murder of Chand Singh. Per him, complainant PW1 Ranjit Kaur, is neither an eye witness nor otherwise a reliable witness. Her version qua involvement of Lachhman Singh was also found false as the police later exonerated Lachhman Singh during investigation. He further submits that out of 21 witnesses, only six have been examined so far. Presently further trial is held up due to Covid-19 pandemic. He further submits that petitioner is a home maker and a simple lady with no criminal antecedents, except the present case, wherein she has been falsely implicated.

8. On the other hand, learned State counsel opposes the bail plea. He, however, admits that PW2 Jagsir Singh and PW3 Malkiat Singh have shown hostility to the prosecution case. He further admits that presently trial is held up due to Covid-19 pandemic and petitioner is not involved in any other case.

9. All the aforesaid respective contentions of learned counsel can only be adjudged only at the trial but currently further trial is held up. Courts are working with restrictions and taking up only urgent matters. Petitioner is not involved in any other case. Considering the overall scenario and without commenting on the merits of the case, the petition is allowed. Petitioner shall be released on bail on her furnishing bail bonds and surety bonds to the

satisfaction of concerned Chief Judicial Magistrate/ Duty Magistrate, as the case may be.

September 25, 2020
Jiten

(ARUN MONGA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No