

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

CRM-M-25706-2020

Date of decision: **8.9.2020**

SARABJEET KAUR

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Gurpal Singh Sandhu, Advocate
for the petitioner.

Mr. Pawan Sharda, Senior DAG, Punjab.

(Proceedings conducted through video conferencing).

GURVINDER SINGH GILL, J. (ORAL)

1. The petitioner seeks grant of regular bail in a case registered against her vide FIR No.177 dated 21.11.2019 under Sections 302/34 IPC at Police Station Sri Muktsar Sahib, District Sri Muktsar Sahib.
2. The FIR in question was lodged at the instance of Roshan Lal wherein it is alleged that his younger son Rajiv Kumar was working as light decorator and that on 20.11.2019, at about 9 p.m. his son received a telephone call from his friend Kamal Kumar asking him to work for some

function near Old Octroi Post. Upon receipt of said telephone call, complainant's son Rajiv Kumar (deceased) went on motorcycle but did not return back. On the next day, the complainant came to know that the dead body of his son was found lying near Malout-Bathinda bye-pass. Upon reaching the said place the complainant found the dead body of his son which was having injuries on his chest. The complainant suspected that his son had been killed by Dr. Satish, Akash, Verma and Kamal as complainant's son Rajiv Kumar owed some money to aforesaid persons namely Dr. Satish, Akash, Verma and Kamal and who had been threatening his son.

3. On the very next date i.e. on 22.11.2019, the complainant got supplementary statement recorded wherein he stated that now he had got to know that Sarabjeet Kaur was having some monetary dealing with his son Rajiv Kumar and on account of which she was on visiting terms with his son. It is alleged that aforesaid Sarabjeet Kaur was maintaining illicit relation with Jagsir and that said Jagsir Singh however suspected that complainant's son Rajiv Kumar had also developed illicit relation with Sarabjeet Kaur. It is alleged that on account of the said grudge, Jagsir Singh had conspired with Sarabjeet Kaur and had called his son Rajiv Kumar for dinner at Rupana Dhaba and had also called their friend Sunny and Arshdeep Singh and that the said 4 persons had murdered complainant's son Rajiv Kumar with sharp edged weapon.
4. Learned counsel for the petitioner submitted that it is a case of blind murder wherein the complainant has come out with altogether two

different versions against two sets of accused and that no credibility can be attached to either of the said two versions. Learned counsel has further submitted that even if the second version as per supplementary statement (Annexure P-3) is taken to be correct, still no motive can be said to be vested with the petitioner for eliminating the deceased Rajiv Kumar as she, as per supplementary statement was having illicit affair with Rajiv Kumar.

5. Opposing the petition, learned State counsel has submitted that during the course of investigation, the police had collected evidence to the effect that Rajiv Kumar had obtained some objectionable photographs of Sarabjeet Kaur and had been blackmailing her and on account of which the petitioner in connivance with other accused had murdered the deceased. Learned State counsel has further submitted that some hair had been collected from the dead body of Rajiv Kumar which had been sent for DNA examination which would throw light on the entire controversy regarding involvement of the accused. The learned State counsel has however informed that '*Challan*' already stands presented and that the petitioner has been behind bars since last more than 9 months.
6. I have considered rival submissions addressed before this Court.
7. Keeping in view the fact that it is a case of blind murder and that the complainant has come out with two altogether different versions against two sets of accused and while also noticing that the petitioner is a lady and has been behind bars since the last more than 9 months, further detention of the petitioner will not serve any useful purpose as conclusion

of trial is likely to take some time. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on her furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

8.9.2020
Gaurav Sorot

(GURVINDER SINGH GILL)
JUDGE

Whether reasoned / speaking? **Yes / No**

Whether reportable? **Yes / No**