

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M- 30567 of 2020

Date of Decision: 07.10. 2020

Sukhvir Kaur alias Seera

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. N.S.Dandiwal, Advocate
for the petitioner(s).

Mr. Randhir Singh Thind, Deputy Advocate
General, Punjab for the respondent.

Anil Kshetarpal, J.

The petitioner-Sukhvir Kaur alias Seera wife of Buta Singh prays for grant of regular bail pending trial in a criminal case arising from FIR No. 233 dated 14.12.2018, registered under Section 302 & 120-B IPC and Section 25 & 27 of the Arms Act, 1959 at Police Station Nihal Singh Wala, District Moga.

In a nutshell, the case of the prosecution has been noticed by the learned Additional Sessions Judge, Moga in para 5 of its order dated 17.05.2020, which is extracted as under:

“Present FIR has been lodged by complainant Arun Kumar @ Babbu that he is running a spare part shop at Main Bazar, Mannuke along with his cousin brother Rajinder Kumar @ Gogga. On 14.12.2018 at about 6.20 p.m. as usual they closed their shop and started moving towards their residence. Complainant was on foot. Rajinder Kumar was on

his CD-Deluxe motor cycle bearing No. PB-29-Q-1802. He crossed complainant and reached in front of Gill Studio. It was 6.30 p.m. Street lights were on. Certain unidentified persons started firing on Rajinder Kumar @ Gogga. Resultantly, Rajinder Kumar @ Gogga fell down from his motorcycle. Unidentified persons run away from the place of occurrence with their respective weapons. RajinderKumar @ Gogga died at the spot. Deceased RajinderKumar @ Gogga was nominated as accused for causing murder of Sarpanch Beant Singh. After trial Rajinder Kumar @ Gogga was acquitted of causing murder of Sarpanch Beant Singh. While his co- accused Kuldeep Singh was sentenced to undergo life imprisonment. Motive for causing murder of Rajinder Kumar @ Gogga was to avenge the murder of Beant Singh”.

The petitioner was initially declared a proclaimed offender, however, thereafter, she surrendered and applied for grant of regular bail which was dismissed by the trial court. It will be noted here that in the meantime two co-accused, namely Harpreet Sharma alias King and Jagsir Singh in the same FIR have been acquitted by the learned trial Court vide judgment dated 15.10.2019. As per the case of the prosecution, the petitioner is alleged to have conspired and got killed Rajinder Kumar, with the help of two co-accused who have already been acquitted. It is alleged the petitioner had conspired and thereafter killed Rajinder Kumar as in trial with respect to murder of Late Beant Singh, Sarpanch, the petitioner's brother, the deceased was wrongly acquitted.

It is not in dispute that two co-accused of the petitioner have already been acquitted by the learned trial Court as the prosecution has failed to lead evidence connecting the aforesaid two persons with the offence.

Keeping in view the aforesaid facts and without expressing any opinion on the merits of the case, it is considered appropriate to direct the petitioner to be released on regular bail. Hence, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the learned Area Judicial Magistrate/Chief Judicial Magistrate/Duty Magistrate.

(Anil Kshetarpal)
Judge

October 07, 2020

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No