

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

**CRM-M No.35993 of 2020(O&M)
Date of Decision-08.12.2020**

GoloKaur

... Petitioner

Versus

State of Punjab

... Respondent

CORAM:-HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. NavjotSingh, Advocate
for the petitioner.

Mr. RanaHarjasdeep, DAG, Punjab.

RAJ MOHAN SINGH, J.

[1]. Petitioner seeks regular bail under Section 439 Cr.P.C in case bearing FIR No.313 dated 25.11.2019 registered under Sections 302, 201, 120-B, 346, 182 and 203 IPC at Police Station Lehra, District Sangrur.

[2]. The FIR was registered by the petitioner herself under Section 346 IPC on the ground that she was married to Kala Singh (deceased) and has two children. On 22.11.2019, her husband went to get bandage on his hand injury and did not come back. His mobile was found to be switched off. The allegations are that she was having illicit relations with one Pawan Kumar (co-accused). On

29.11.2019, one Jagsir Singh son of Munshi Singh get his statement recorded under Section 161 Cr.P.C that on 22.11.2019, he had gone to his relatives at village Meodh. When he was on his way back to village ChurranKalan and reached at 'T' point Jakhal at about 9 PM, then Pawan Kumar was found to have parked his rehri attached with motorcycle on the side of the road. Pawan Kumar and deceased Kala Singh were having an altercation under the effect of liquor and the deceased was telling him not to visit his house in his absence. Since both were known to Jagsir Singh, therefore, he persuaded them to go back home. On 29.11.2019, he came to know that dead body of Kala Singh (deceased) was fished out from bhakra canal. Petitioner and Pawan Kumar were arrested. Pawan Kumar suffered disclosure statement that on 22.11.2019, he got boarded Kala Singh (deceased) on his cart attached with motorcycle and made him to drink. A blow from iron rod was given on his head and his dead body was thrown in the river. He got rehri and iron rod recovered. During investigation, clothes, chappal and cap of the deceased were also taken in possession by the police.

[3]. Learned counsel for the petitioner submitted that the petitioner has not caused any injury to the deceased Kala Singh. No recovery has been effected from her. She herself was the complainant at the first instance.

[4]. Amrik Singh @ Bholu and his sister had revealed the factum of illicit relations of the petitioner with Pawan Kumar. Jagsir

Singh has also seen Pawan Kumar in the company of deceased Kala Singh when they were involved in an altercation on 22.11.2019. The deceased was lastly seen in the company of Pawan Kumar against whom allegations are of illicit relations with the petitioner.

[5]. Learned counsel for the petitioner submitted that only allegation against the petitioner is of connivance with Pawan Kumar and she is in custody for the last one year. There is no direct evidence in respect of complicity of the petitioner except to allege illicit relations with Pawan Kumar. Learned counsel further submitted that proceedings under Section 174 Cr.P.C were carried out after the dead body of the deceased was recovered on 28.11.2019. Statement of Amrik Singh @ Bhola was recorded to the effect that he along with the petitioner was searching for his brother Kala Singh. Amrik Singh @ Bhola did not state about the factum of illicit relations between the petitioner and Pawan Kumar in the said statement. In the said statement, he was supporting the petitioner that she was also searching for the deceased Kala Singh. Thereafter, aforesaid Amrik Singh @ Bhola leveled allegations on 29.11.2019 that the petitioner was having illicit relations with Pawan Kumar. No complaint was given by said Amrik Singh @ Bhola, alleging any suspicion of murder of Kala Singh for about 4 days. Dead body was found on 27.11.2019, but still his statement was recorded on 29.11.2019. In the meanwhile, he along with the petitioner was searching for his brother Kala Singh and there was no

such allegation. Learned counsel further submitted that statement of Jagsir Singh would not advance the case of the prosecution against the petitioner. Jagsir Singh allegedly saw the deceased in the company of Pawan Kumar on 22.11.2019, but his statement was recorded on 29.11.2019 and the witness did not disclose the incident to anyone for about one week. The statement of said witness has not implicated the petitioner in any manner. The allegations of illicit relations between the petitioner and Pawan Kumar are yet to be proved on record. Learned counsel also submitted that there is no material on record to even suggest such illicit relations between the petitioner and Pawan Kumar except to presume the aforesaid fact being residents of the same village. Petitioner is a woman and is mother of two children. Both children require her assistance. Petitioner is in custody for the last more than 1 year.

[6]. Learned State counsel submitted that after filing of the challan, charges have not been framed so far.

[7]. Charges have not been framed so far and trial of the case may take some time due to situation arising out of pandemic Covid-19. Keeping in view the custody of the petitioner and without meaning anything on merits of the case, I deem it appropriate to enlarge the petitioner on regular bail subject to her furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

[8]. Nothing expressed hereinabove, shall be construed to be

an opinion on merits of the case.

(RAJ MOHAN SINGH)
JUDGE

08.12.2020
Prince

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