

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

CRM M-36537 of 2020 (O&M)

Date of Decision: November 12, 2020

Sheetal Sharma		Petitioner
	Versus	
State of Punjab		 Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. Vikas Cuccria, Advocate
for the petitioner.

Mr. J.S. Ghumman, DAG, Punjab.

Mr. H.S. Dhanoa, Advocate
for the complainant.

FATEH DEEP SINGH, J. (Oral)

The matter has been taken up through video-conferencing on account of lockdown due to outbreak of pandemic COVID-19.

Petitioner Sheetal Sharma who is in custody has come up in this second petition under Section 439 Cr.P.C. moved in case bearing FIR No. 77 dated 11.03.2020 under Sections 302 and 34 IPC registered at Police Station Sohana,

District SAS Nagar (Mohali) the first one having been dismissed as withdrawn on 03.06.2020.

The allegations are as follows:-

“The present case was got registered on written complaint of complainant Harcharan Singh brother of deceased Kulwinder Singh, the latter aged around 51 years and working as a Senior Assistant in Punjab Police. It is alleged that on 10.03.200 in the evening around 7.25 p.m., his brother left the house to attend a party at his friend's place telling that he would be back at 09.30 p.m. When the deceased got late his son gave a call to him and was told by the father that he will be back within 10 months and, thereafter, failed to reach home. Subsequently, upon search the dead body of the deceased was found on a road near the airport. On close examination that body was wearing injuries by sharp edged weapons and a rope was tied around his neck leading to the registration of the present case.

During the course of time it transpired that the deceased was having a relationship with the petitioner a widowed lady and who too was carrying on an amorous relation with her co-accused/non-

applicant Iqbal Singh and both of them conspired to put to death the deceased”.

Shri Vikas Cuccira, learned counsel for the petitioner has strongly argued that it was a planned murder case where only circumstantial evidences are there and which did not cogently point towards the petitioner who has not been assigned any specific role. It is submitted that it is merely on suspicion she has been roped in this murder when actually the co-accused Iqbal Singh and the deceased were together at the time of the alleged occurrence. It is submitted that the petitioner is a lady and behind the bars since a long time.

Mr. J.S. Ghumman, DAG, Punjab, learned State counsel assisted by Mr. H.S. Dhanoa, learned counsel for the complainant has strongly opposed the bail on the grounds that it has come in the evidence that the deceased and the accused were together just before the occurrence and consumed alcohol whereby conversation regarding payment of Rs. 15,000/- by the deceased to Sheetal Sharma had arisen. It is, thereafter, the accused Iqbal Singh took the deceased at the abandoned place near the spot where the dead body was got recovered and hit him with the brick bats and after tying it with a rope threw the dead body. It is after this murder the accused went to the house of the petitioner and changed his clothes which he later threw in

the Bakhra canal and cheque he had taken out from the pocket of the deceased was got encashed by petitioner which bore the amount of Rs.20,00,000/-. The State has also stressed on the CCTV footage showing the deceased in the company of both the accused and argued that the petitioner if allowed bail might influence the investigations and the trial.

Appreciating the submissions, the evidence brought to the notice of the Court clearly illustrates that the deceased and the accused/petitioner were in a relationship and large amount of money has been siphoned off from the accounts of the deceased in favour of the petitioner including the cheque which the co-accused took out from the pocket of the deceased. The recovery of the blood smeared clothes, brick bats and such like articles are suggestive of pre-planned murder by the accused in collusion with each other in which the petitioner has actively participated. The apprehension of the State that if allowed the bail, the petitioner might abscond is not unfounded.

No case is made out for grant of bail and as such the present petition stands dismissed.

November 12, 2020

(FATEH DEEP SINGH)

amit rana

JUDGE

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