

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-38028-2020

Date of Decision: December 15, 2020

Mandeep Kaur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Sandeep S. Majithia, Advocate,
for the petitioner.

Mr. R.S.Khaira, AAG, Punjab.

Mr. Gagandeep Singh, Advocate,
for the complainant.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.231 dated 18.11.2018, under Sections 302, 201, 120-B read with Section 34 IPC, registered at Police Station, Lopoke, District Amritsar Rural. The petitioner is in custody since November, 2018.

The above FIR was registered on the statement of complainant-Sitara Singh, wherein it was alleged that he retired from army and was working as security guard at Ram Tirth Mandir. He has two brothers, namely, Baj Singh and Mukhtiar Singh and latter was married to Mandeep Kaur around seven years back and from the said wedlock, two children, namely, Harman Singh and Harsimranpreet Kaur were born. Mukhtiar Singh went to Dubai for about twelve years and came back on 18.10.2018. On 29.10.2018, Mukhtiar Singh and his uncle's son Chanan Singh were

working in the fields and at about 12.00 noon, he went to the field and saw that Mukhtiar Singh was vomiting. On asking, he disclosed that due to taking meal at odd hours, he was vomiting. Thereafter, his brother Mukhtiar Singh came back at about 3.00 p.m. and went to sleep and at about 1.00 a.m. at night, his sister-in-law Mandeep Kaur started crying that Mukhtiar Singh has been electrocuted. All the family members came out and saw that Mukhtiar Singh was lying near the window of the room, where the electricity wire with joint was passing, but Mukhtiar Singh was lying far away from the joint. His family saw that Mukhtiar Singh had already died and his right feet was burnt. On 30.10.2018, his last rites were performed. On 03.11.2018, complainant took the mobile of his brother from Mandeep Kaur in order to call someone and found a file containing audio recording and on hearing the recording dated 29.10.2018, he came to know that Mukhtiar Singh was asking his wife that what she had administered to him due to which he was vomiting. From the mobile recording, complainant came to know that Mandeep Kaur hatched a criminal conspiracy of murder of Mukhtiar Singh with paramour Iqbal Singh. On these broad allegations, the above FIR was registered.

Learned counsel for the petitioner contends that as per the prosecution case, petitioner was involved in illicit relations with Iqbal Singh @ Goldy and they hatched a conspiracy to kill Mukhtiar Singh. He submits that the alleged occurrence took place on 28.10.2018 and the victim was cremated on the same day and the FIR was registered after a long delay on 18.11.2018. He submits that the co-accused of the petitioner, namely, Iqbal Singh @ Goldy, has been granted the concession of regular bail vide order dated 15.09.2020 (Annexure P-2). He contends that though the charges

were framed on 19.09.2019, but no prosecution witness has been examined so far and, therefore, the further custody of the petitioner may not be necessary. He prays for grant of bail, during the pendency of the trial.

On the other hand, the prayer is opposed by the learned State counsel, who is assisted by ASI Balwinder Singh as well as the counsel for the complainant.

During the course of hearing, it is not disputed that the case of the prosecution is based on circumstantial evidence and the co-accused of the petitioner is on bail. Learned State counsel has fairly stated that out of total fifteen prosecution witnesses, no witness has been examined so far.

Considering the above background, custody of the petitioner and the fact that the trial is likely to consume considerable time to conclude in the wake of outbreak of pandemic-COVID-19, this Court does not find any reason to decline the prayer. The petitioner is presently confined in judicial custody since November, 2018, therefore, her further detention behind the bars may not be justified.

Resultantly, without meaning any expression of opinion on the merits of the case, the petition is allowed and it is ordered that the petitioner be released on regular bail subject to her furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate, Amritsar.

December 15, 2020
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No