

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-2814-2021 (O&M)

Date of Decision:- 6.4.2021

Manjeet Kaur

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. P.S.Ahluwalia, Advocate, for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab,
assisted by ASI Harvinder Singh.

Mr. Baltej Singh Sidhu, Advocate, for the complainant.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of a case registered vide FIR No.212, dated 19.11.2019, Police Station Sadar Samana, District Patiala, under Sections 302, 34 IPC.
2. The FIR was lodged at the instance of Malkiat Singh, wherein it is alleged that his daughter Gagandeep Kaur was married to Jagtar Singh about three years back. It is alleged that on 19.11.2019 he received information from Taranjit Singh, who was mediator to the

marriage, to the effect that Gagandeep Kaur had received an “attack”. Pursuant to receipt of said information the complainant informed the Sarpanch where he met Madan Singh Nambardar father of Sarpanch and while taking him along he went to the matrimonial home of his daughter Gagandeep Kaur, where Gagandeep Kaur’s dead body was found lying on a cot in the porch, which was covered with a cloth. When the complainant tried to take off the cloth from the dead body, he was stopped by his daughter’s mother-in-law but he being emotional took off the cloth and saw there were marks around the neck of complainant’s daughter and it appeared that Gagandeep Kaur had been strangled to death. The complainant suspected that his daughter had been killed by his son-in-law Jagtar Singh, mother-in-law Manjit Kaur and a cousin of his son-in-law namely Balkar Singh.

3. Learned counsel for the petitioner has submitted that it is a case where there is no eye witness to the alleged occurrence and that the petitioner has been nominated as accused by the complainant, just on account of the fact that she happens to be mother-in-law of deceased.
4. It has further been submitted that in the instant case the medical evidence does not fully support the case of the prosecution as regards the strangulation inasmuch as the cause of death has been opined to be asphyxia and a ligature mark on the neck of the deceased was also found which would be suggestive of the fact that it was a case of suicide and not a case of murder.
5. Opposing the petition, learned State counsel assisted by learned counsel for the complainant has submitted that in the instant case the

death in question had taken place at her matrimonial home wherein the petitioner was also residing along with her son and deceased and that in these circumstances the complicity of the petitioner is clearly evident. It has further been submitted that at this stage it cannot be said with certainty that it is a case of suicide and in fact all the facts and circumstances point out that it is a case of murder.

6. I have considered rival submissions addressed before this Court.
7. Although, it is correct that the petitioner was residing in the same house where the deceased was residing, but it is a case where there is no eye witness to the alleged occurrence. The prosecution mainly relies upon circumstantial evidence. As far as medical evidence is concerned it will be debatable as to whether it is a case of hanging or strangulation. In any case since the petitioner has been behind bars since the last about 1 year and 4 months and is a lady, further detention of the petitioner will not serve any useful purpose especially since the conclusion of trial is likely to consume time as only one out of the cited 25 PWs has been examined so far. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to her furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

6.4.2021

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No