

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-2810-2021

DATE OF DECISION: JANUARY 25, 2021

BALJEET KAUR

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MS. SARIKA GUPTA, ADVOCATE FOR THE PETITIONER.
MR. RAMDEEP PARTAP SINGH, DAG, PUNJAB.

MANOJ BAJAJ, J.(ORAL)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.194 dated 23.8.2020, under Section 302, 34 IPC, Police Station Dasuya, District Hoshiarpur. The petitioner is in custody since her arrest on 23.8.2020.

The allegations contained in the FIR as noticed by the Sessions Judge, Hoshiarpur in her order dated 24.12.2020 are as under:-

“As per the facts of the case, Ranjit Kaur complainant gave her statement to the police that she is married to Sukhdeep Singh, aged 42 years, who lived in Italy for 14 years and had returned back. Kuldeep Singh her elder brother-in-law (Jeth) was having dispute with her husband regarding water tank. On the day of occurrence i.e. 23.8.2020 at about 11.00/11.30 AM, they again started having altercation. Her brother-in-law Kuldeep Singh picked up Khokhri and gave five blows on the person of her husband, which hit on the left side of his chest, two blows below right ear, neck and another blow on the left side of the neck. She raised alarm and came

forward to rescue her husband and her sister-in-law Baljeet Kaur pushed her aside and told Kuldeep Singh to teach him a lesson. Many people collected there. On this, her brother-in-law Kuldeep Singh and sister-in-law Baljeet Kaur ran away from the spot. She took her husband to Civil Hospital, Dasuya in the vehicle of Sarpanch of their village, but her husband was declared dead. Her husband was murdered by Kuldeep Singh and Baljeet Kaur by hatching a conspiracy.”

Learned counsel for the petitioner contends that as per complainant, the dispute was between two brothers and co-accused Kuldeep Singh caused injuries to Sukhdeep Singh, which resulted in his death. It is pointed out that as per the allegations, the petitioner did not cause any injury to the victim and only gave a push to the complainant. She has contended that the investigation of the case is complete and therefore, further custody of the petitioner who is the sister of the deceased may not be necessary. She prays that the petitioner be released on regular bail during the pendency of the trial.

The prayer is opposed by learned counsel appearing for the complainant on the ground that when the complainant tried to intervene, she pushed him. According to him, the petitioner also participated in the crime and shared her intention, therefore, she does not deserve the concession of regular bail.

The prayer is also opposed by learned State counsel assisted by ASI Rachhpal Singh. However, it is not disputed that as per the case of the prosecution, all the injuries to the victim were caused by Kuldeep Singh.

He, on instructions, states that the charges have been framed, however, the

prosecution witnesses are yet to be examined.

Considering the above background and the role attributed to the petitioner, this Court does not find any reason to decline the prayer, particularly, when investigation of the case is complete and the trial is likely to take considerable time to conclude in the wake of outbreak of global pandemic, namely, COVID-19 in the region, therefore, further custody of the petitioner may not be justified. The petitioner is presently confined in judicial custody and is not required for any useful purpose.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to her furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

January 25, 2021
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No
Whether Speaking/Reasoned : Yes/No