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

1. **CRM-M No.12419 of 2021**
Date of Decision: 13.07.2021

JASVIR KAUR @ JASSIPetitioner
Vs
STATE OF PUNJABRespondent

CRM-M No.12751 of 2021

SUKHWINDER SINGH AND ANR.....Petitioners
Vs
STATE OF PUNJABRespondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. Vikram Preet Arora, Advocate
for the petitioner(s).

Mr. Sandeep Kumar, D.A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

Both the cases have been taken up for hearing through
video conferencing.

Vide this common order, CRM-M No.12419 of 2021 and
12751 of 2021 are being decided. Since both the cases have
arisen out of same FIR, therefore, facts are being culled out
from CRM-M No.12419 of 2021.

Petitioner(s) seeks grant of regular bail under Section
439 Cr.P.C in case bearing FIR No.54 dated 07.03.2019,

registered under Sections 302/201, 148, 149 IPC at P.S. Mandi Gobindgarh, Distt. Fatehgarh Sahib.

The FIR was registered at the instance of complainant Hardeep Kaur with the allegations that the petitioner-Jasvir Kaur is second wife of her elder brother Narender Singh. Petitioner was earlier married to Angrej Singh and four children took birth out of that marriage. After the death of Angrej Singh, petitioner-Jasvir Kaur solemnized marriage with Narender Singh and no child was born out of this wedlock. Narender Singh and Jasvir Kaur purchased a house measuring six biswas out of which 3 biswas were purchased in the name of Jasvir Kaur and 3 biswas were purchased in the name of her son namely Jaspreet Singh. Narender Singh wanted to purchased 3 biswas of land in his name for which the petitioner-Jasvir Kaur allegedly refused. There are allegations of harassment and indulging in prostitution against the petitioner-Jasvir Kaur. On 06.11.2018, the complainant visited her parental house. Narender Singh was present there. He got telephonic call from his wife i.e. Jasvir Kaur at about 8.30 P.M., wherein she had asked him to come at Mandi Gobindgarh for some urgent work. Narender Singh went to Mandi Gobindgarh in his car. At about 7.00 P.M., father of the complainant Jarnail Singh called Narender Singh and he told that he will come back early in the morning. Narender Singh told

this thing to the complainant as well. At that time son of the daughter of Jasvir Kaur namely Harpreet Singh was also there. He also had a word with the father of the complainant. Next day, the complainant tried to connect the mobile of Narender Singh as well as of petitioner-Jasvir Kaur, but both the numbers were found to be switched off.

On 07.11.2018, the complainant had a talk with the petitioner-Jasvir Kaur and inquired about Narender Singh upon which petitioner-Jasvir Kaur informed that Narender Singh had left the place on the same day at about 9.00 P.M. and Preet was also with him. When this fact was inquired from Preet, then he told that on 07.11.2018 at about 9.30 A.M. he himself came back from Mandi Gobindgarh. On this suspicion arose and the complainant started searching Narender Singh. A missing report was given to the Police on 08.11.2018. On search of Narender Singh, his dead body was recovered from a canal. Petitioner-Jasvir Kaur was arrested on 07.03.2019.

Learned counsel for the petitioner(s) submitted that the material witnesses/star witnesses of the prosecution case have been examined i.e. complainant Hardeep Kaur as PW-1, Jarnail Singh father of the deceased as PW-2, Vikramjit Singh brother of the deceased as PW-3 and Avtar Singh Lambardar as well as Sarpanch of the village as PW-4. The aforesaid material

witnesses have not supported the case of the prosecution and have been declared to be hostile. Even their cross-examinations did not yield any incriminating material against the petitioner(s). Out of 33 prosecution witnesses, only four witnesses have been examined so far. As per post mortem report, the death of Narender Singh was due to drowning.

In view of aforesaid facts, the complicity of the petitioner(s) would remain debatable.

The factual matrix of the case could not be disputed by learned State counsel on instructions from ASI Om Parkash, however he opposed the bail on the ground that the petitioner(s) is/are involved in heinous crime and petitioner-Jasvir Kaur is also involved in FIR No.44 dated 26.02.2019 under Sections 302/34/120-B IPC, P.S. Mandi Gobindgarh.

Learned counsel for the petitioner(s) submitted that petitioner-Jasvir Kaur has been granted bail in the aforesaid case, but owing to the involvement of the petitioner in the present case, she has not furnished bail bonds and surety bonds in that case.

Looking to the aforesaid facts and in view of the situation arising out due to COVID-19 pandemic and without adverting to the merits of the case, I deem it appropriate to

enlarge the petitioner(s) on regular bail.

In view of above, both the petitions are allowed. Petitioner(s) is ordered to be released on bail, subject to his/her furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

July 13, 2021	(RAJ MOHAN SINGH)
<i>Atik</i>	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No