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

**CRM-M-13146-2021 (O&M)
Date of decision-26.03.2021**

Sarabjit Kaur and another

...Petitioners

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. P.K.S. Phoolka, Advocate for the petitioners.

Mr. H.S. Sitta, A.A.G., Punjab.

Mr. Sarabjit Singh Grewal, Advocate for the complainant.

MANOJ BAJAJ, J. (ORAL)

Petitioners have filed this petition under Section 439 Cr.P.C for grant of regular bail in case FIR No.45 dated 06.06.2019, under Sections 302 and 34 IPC, 1860, Police Station Sadar Bhdhlada, District Mansa. The petitioners are in judicial custody after their arrest on 21.12.2020.

According to the prosecution, statement of Jarnail Singh (complainant) was recorded who alleged that the marriage of Sarabjit Kaur was performed with his brother Pala Singh and after his death, Sarabjit Kaur performed kareva with his elder brother Jagna Singh. After death of Pala Singh, the father of Sarabjit Kaur namely, Baldev Singh started residing with

complainant family at Beeroke Khurd. On 05.06.2019, at about 6-7 p.m., Jagna Singh and Baldev Singh entered into a quarrel on the issue of irrigation of fields. Thereafter, at about 8.00 p.m. Baldev Singh gave telephone calls to many persons and complainant overheard, who was telling on phone calls that this work has to be done on our own. Then, at about 10-11 p.m. complainant heard some noise of altercation coming from the house of Jagna Singh. In the next morning at about 7-8 a.m. Jagjit Singh alias Jaggi found the dead-body of Jagna Singh lying on a cot in the fields. Complainant reached there and then informed the police that Baldev Singh and his daughter Sarabjit Kaur had killed Jagna Singh by giving stick blows on his head, and in this occurrence Gagandeep Singh @ Gaggi and Mohni Singh alongwith 2-3 unknown persons were also involved. On these facts, the above FIR was registered.

Learned counsel for the petitioners contends that though the petitioners were initially named in the present FIR, but after completion of investigation, they were found innocent and were placed in column No.2. He has further invited the attention of this Court to the order (Annexure P-2) passed by the Additional Sessions Judge, Mansa to contend that even the application under Section 319 Cr.P.C. filed by the prosecution for summoning the petitioners as additional accused was also dismissed on 29.01.2020, but the petitioners were arrested on 21.12.2020 during further investigation based on an inquiry report. According to learned counsel, the inquiry was conducted upon the representation by the complainant. He submits that another accused namely Gagandeep Singh @ Gaggi was also involved in the similar manner, who has been granted the interim concession

of pre-arrest bail by this Court vide order dated 31.01.2021 (Annexure P-4).

Learned State counsel has not disputed the above sequence of events and submits that the procedure for further investigation was followed after the DDR entry was recorded on 19.12.2020. Learned State counsel has further pointed out that after completion of the further investigation, supplementary final report under Section 173 (8) Cr.P.C. has been filed, however, charges against the petitioners have not been framed so far.

After hearing the rival submissions of both the learned counsel for the parties and considering the above background, this Court finds that further detention of the petitioners behind bars may not be necessary for any useful purpose, who are presently confined in judicial custody after their arrest on 21.12.2020.

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

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

26.03.2021
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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No