

In virtual Court

CRM-M-20362-2021

-1-

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-20362-2021 (O&M)
Date of decision: 08.07.2021

Rajwant Kaur @ Raj

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. A.P. Kaushal, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.111 dated 07.10.2020 under Sections 302/120-B/34 IPC (Section 404 IPC was added later on), registered at Police Station City Zira, District Ferozepur.

Learned counsel for the petitioner submits that the FIR was registered on the statement of complainant Manjit Singh, with the allegations that they are three brothers. Gurdeep Singh is younger to him and youngest is Sukhdeep Singh. He was residing with youngest brother Sukhdeep Singh at Village Jhatra and his brother Gurdeep Singh (deceased) along with his wife Kuldeep Kaur and two sons aged about 13 years, were residing separately in Vishvkarma Colony, Zira. On 03.10.2020, when the complainant was present at

his house, he received a phone call from one Mahni wife of Sukhdev Singh, who is living near the house of his brother Gurdeep Singh that he has hanged himself. Upon this, the complainant along with his mother Harbans Kaur and cousin brother Angrej Singh reached house of his brother, where many people gathered, but his sister-in-law Kulwant Kaur and children were not present. Dead body was lying on the bed and turban was tied around his neck and other end of the turban was tied with ceiling fan. After turban cloth was cut, dead body of his brother was kept in freezer and then Kulwant Kaur and her children came at the house. On that night, they stayed in the house of his brother Gurdeep Singh and heard some conversation, but nobody told them any fact. On 04.10.2020, Kulwant Kaur recorded the statement that Gurdeep Singh had died in sudden. Thereafter, Gurdeep Singh was cremated. After some time, the complainant became suspicious about death of Gurdeep Singh, but his sister-in-law Kulwant Kaur kept on keeping him in the dark regarding cause of death. Thereafter, the complainant was trying to find out the reason of his death and on 07.10.2020, he came to know that Gurdeep Singh has been murdered in conspiracy by Kulwant Kaur, Surjit Kaur @ Raji wife of Sukhwinder Singh, Rajwant Kaur @ Raj wife of Avtar Singh and Baljit Singh by giving some intoxicant medicines to him or by strangulating him. Thereafter, to show it a case of suicide, hanged the dead body with ceiling fan.

Learned counsel for the petitioner further submits that the petitioner is not directly related to the complainant or Kulwant Kaur wife of the deceased against whom there are allegations of hatching the conspiracy. It is

further submitted that as per post-mortem report, there were ligature marks on the body of the deceased and no poison was found in the post-mortem report of the deceased as per Chemical Examiner, therefore, there are no symptoms of consuming any poisonous substance by Gurdeep Singh. It is also submitted that except the disclosure statement of co-accused, including disclosure statement of Kulwant Kaur wife of deceased, there is no other evidence against the petitioner that she had either received any amount or had any relationship with Kulwant Kaur, to commit the offence. It is next submitted the petitioner is a lady aged about 41 years and is resident of different village and has her own family to support and no scientific investigation has been done to find out the location of the petitioner at the place of occurrence on the date. It is also submitted that even there is no such call details between the petitioner or other accused to show her presence or meeting of mind with main accused Kulwant Kaur, who has allegedly hatched the conspiracy. The petitioner is in custody for the last 08 months and 24 days and is not involved in any other case and investigation is complete.

Reply by way of affidavit of SHO/Investigating Officer, Police Station City Zira, District Ferozepur is on record. It is stated that the complainant, on 07.10.2020, came to know that Kulwant Kaur, his sister-in-law (Bhabhi) i.e. wife of deceased Gurdeep Singh, in conspiracy with other accused including the petitioner, has committed the murder of his brother. Thereafter, the police arrested Kulwant Kaur wife of deceased, co-accused Surjit Kaur @ Raji, who made disclosure statement that as per the conspiracy, Kulwant Kaur

has allured them to pay Rs.2.00 lacs for committing murder of her husband and as a part of conspiracy, she left home along with her children and Surjit Singh @ Raji, petitioner Rajwant Kaur @ Raj and Baljit Singh reached at the house of Gurdeep Singh, where 04 intoxicant tablets were mixed in the tea of Gurdeep Singh and thereafter, under the influence of intoxication, co-accused Baljit Singh put a white cloth (parna) on his neck from backside and threw him on the bed and the petitioner caught his legs and co-accused Surjit Kaur @ Raji closed the door and kept a watch outside and after some time, when Gurdeep Singh died, his dead body was hanged with ceiling fan. It is further stated that one gold ring was recovered from the petitioner, which she has allegedly removed from the little finger of the deceased as per the disclosure statement.

Learned State counsel has submitted that as per disclosure statement of co-accused, the petitioner was part of the conspiracy and they have committed the murder of Gurdeep Singh. It is further submitted that the motive behind committing the offence was that Gurdeep Singh had a suspicion that his wife Kulwant Kaur is having illicit relations with other persons and on that account, Kulwant Kaur has murdered him.

After hearing learned counsel for the parties, without commenting anything on merits of the case and perusing the affidavit detailing the investigation, I find that nothing has come in the affidavit that the petitioner was related to main accused Kulwant Kaur and only allegation against her is that she is maternal aunt of co-accused Baljit Singh and was acquainted with Surjit Kaur @ Raji and that is why, she was part of the conspiracy and also

In virtual Court

CRM-M-20362-2021

-5-

considering the fact that entire evidence against the petitioner is based on the disclosure statement of co-accused, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing her bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

08.07.2021

vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No