

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-25182-2021

DATE OF DECISION: JULY 8, 2021

PARAMJIT KAUR

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MS. SEHEJ SANDHAWALIA, ADVOCATE
FOR THE PETITIONER.

MR. RAMANDEEP SANDHU, SR.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.131 dated 21.11.2018, under Section 302, 201, 34 IPC, Police Station City-1, Mansa. The petitioner is in custody since her arrest on 21.11.2018.

The FIR was registered on the statement of Binder Singh son of Gurdial Singh, who stated that he was working as a Cleaner on truck belonging to Gurdip Singh Bhullar and Kiranjit Singh @ Bachchi was driver of the same. As both of them were having cordial relations thus, Kiranjit Singh used to share everything with him. According to complainant, Kiranjit Singh had a suspicion that his wife Paramjit Kaur was having illicit relations with Avtar Singh @ Deepu, and he often had a quarrel with his wife. On 20.11.2018, after finishing off the work, they both went to their respective homes. After having meals, his wife told him that LPG was finished at home and she had no money to purchase the same. Thereafter, he

immediately left for the house of Gurdip Singh for getting some money. While coming back, at around 10.30 p.m., when he was passing near the house of Kiranjit Singh, he heard him shouting 'Deepu, don't kill me'. He took him to be under the influence of liquor and reached back to his home. On 21.11.2018, at about 8.30 a.m., when he went to the house of Kiranjit Singh, his wife Paramjit Kaur told him that Kiranjit Singh left the house yesterday night at 11.00 p.m. after quarreling with her and did not return back. Thereafter, he came to know that his dead body was lying in a canal. On these broad allegations, the present FIR was registered.

Learned counsel for the petitioner has argued that the case of the prosecution is based upon circumstantial evidence and the petitioner being his wife has been falsely implicated on the ground that she was having illicit relation with co-accused Deepu. According to her, the FIR was lodged by Binder Singh who used to work as Cleaner with Kiranjit Singh (truck driver) and had overheard the screams of the victim while passing near his house. Learned counsel has argued that as the whole is founded upon suspicion, therefore, further custody of the petitioner may not be justified, as no recovery was effected from the petitioner. She prays for bail.

The prayer is opposed by learned State counsel assisted by SI Shamandeep Kaur on the ground that the alleged crime took place at the house of the victim and later the dead body with slit throat was disposed off in a canal. He submits that the petitioner suffered confession before the police and according to it, she actively participated in the crime. He does not dispute this fact that out of total 26 prosecution witnesses, four have been examined including the complainant.

At this stage, learned counsel for the petitioner has contended that the prosecution has not collected any evidence regarding commission of crime at the house of the petitioner and the alleged confessional statement of the petitioner may not be admissible. She has emphasized that the case of the prosecution is founded upon a weak nature of evidence and has reiterated her prayer for bail.

After hearing the learned counsel for the parties and considering the above background as well as the custody of the petitioner, this Court is of the opinion that though the trial has commenced, but the same is progressing at a slow pace and is likely to consume considerable time to conclude. The material witnesses have already been examined by the prosecution, whereas the remaining witnesses are the police officials and there does not seem to be any possibility of their being won-over. Thus, further detention of the petitioner behind the bars may not be necessary for any useful purpose who is presently confined in judicial custody after her arrest on 21.11.2018.

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.

July 8, 2021
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No