

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

**CRM-M-22382-2020
Date of decision: 23.09.2021**

Ninder Kaur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. J. S. Gill, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

(Through video conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 05 dated 16.01.2019, registered under Sections 302, 201, 34 of the IPC at Police Station Shri Hargobindpur, District Gurdaspur.

Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of complainant Bhupinder Singh, it is stated that on 15.01.2019, his son Balraj Singh @ Gopi has gone out on his motorcycle but did not return home. When he went towards the village in search of his son, he could not find his son. On the next morning, the complainant and his wife, in search of their son, came to village Madi Pannwa and they came to know that the motorcycle of their son was lying parked near the house of one Gurnam Singh. On seeing the motorcycle, they started towards their house to report the matter with the police. In the meantime, they found the dead body of their son Balraj Singh @ Gopi lying

in a sugar cane field with a sharp cut on the throat and other injuries on other part of the body. The complainant, on suspicion that Shingara Singh, his wife Ninder Kaur (present petitioner), Jaimal Singh and Balwinder Kaur, in conspiracy with each other, have committed the murder of Balraj Singh on account of the fact that Lakhbir Singh, son of Shingara Singh, was arrested with some intoxicant substance a few days before and they had suspicion that son of the complainant, Balraj Singh, had given information to police in this regard.

Learned counsel further submits that the petitioner is a middle aged lady and is confined in judicial custody for the last about two years. It is further submitted that out of 21 prosecution witnesses, 10 witnesses have already been examined.

Learned counsel has relied upon the statement of PW-6 Saroop Singh as well as PW-8 Bhupinder Singh and submitted that they are cited by the prosecution as witnesses, before whom the accused have made extra judicial confession of committing murder. It is further submitted that PW-6 Saroop Singh was declared hostile by the public prosecutor and during cross examination, this witness even denied to having made any statement to the police in this regard and similarly PW-8 Bhupinder Singh, who is the Sarpanch of the village has also denied the fact that accused have made any extra judicial confession before him. This witness was also declared hostile and in cross examination, he also denied to having made any statement to the police.

Learned counsel for the petitioner further referred to statement of complainant/PW-4 Bhupinder Singh to submit that the statement is on both counts, i.e. with regard to naming four persons as accused, he has

shown his suspicion that he is confident that the accused have committed murder of his Balraj Singh and with regard to motive also, it is stated that the accused persons, having suspicion that deceased Balraj Singh had given information to the police for which Lakhbir Singh s/o Shingara Singh was arrested.

Learned State counsel, on the basis of the affidavit of Inspector/IO, submits that PW-5, who is the wife of complainant, has also made a similar statement, therefore, no case for grant of regular bail to the petitioner is made out. However, it is not disputed that all the material witnesses have already been examined and PW-6 and PW-8 were declared hostile.

After hearing learned counsel for the parties, considering the submissions made by learned counsel for the petitioner and also in view of the fact that husband and son of the petitioner are also behind bars and also in view of the fact that petitioner is a middle aged lady who has been implicated in this case in the aid of Section 34 IPC, the present petition is allowed. The petitioner is ordered to be released on regular bail on her furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate, concerned.

23.09.2021

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No