

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-23920-2020 (O&M)
Date of Decision:-6.1.2021

Ramanpreet Kaur

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Sant Pal Singh Sidhu, Advocate for the petitioner.

Mr. Sarabjit Singh Cheema, AAG, Punjab,
assisted by ASI Sukhwinder Singh.

Mr. Mohan Singh Chauhan, Advocate for
Mr. A.S. Rehal, Advocate for the complainant.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.311 dated 28.11.2018 at Police Station City-I, Khanna, Police District Khanna, District Ludhiana under Sections 326-A and 302 of Indian Penal Code.
2. The FIR was lodged on the basis of statement made by Usman Khan @ Sahil wherein it is alleged that he was friends with Ramanpreet Kaur (petitioner) since the last 5-6 months and that while Ramanpreet Kaur wanted to solemnize marriage with him, he turned down the proposal as she was a Sikh whereas he was a Muslim. It is alleged that on 27.11.2018 Ramanpreet Kaur

asked him to meet her at her friend's house. It is alleged that when he went to meet her, she remained with him for about one hour and later when he went to the washroom, she poured some liquid on him which was acid and his skin started burning. It is alleged that while in the process of stopping her, some acid fell on her as well. It is further the case of prosecution that subsequently the complainant Usman Khan @ Sahil, who had been taken to hospital, could not survive and expired on 16.12.2018.

3. Learned counsel for the petitioner has submitted that it is infact a case of cross-version wherein the petitioner had lodged FIR No.310 dated 27.11.2018 at Police Station City Khanna, Police District Khanna under Sections 376, 326-A and 506 of Indian Penal Code against Usman Khan @ Sahil wherein she has alleged that it is infact the aforesaid Usman Khan @ Sahil, who came to her house and committed rape upon her while pressurizing her to solemnize marriage with him and later threw acid on her. She alleged that in the process of resistance Usman Khan @ Sahil fell down and the acid fell on him as well. It has been submitted that although the police during the course of investigation have recorded statements of two witnesses namely Satwinder Singh and Swaran Singh before whom the petitioner had allegedly made an extra judicial confession, but when the said witnesses were examined in the Court as PW-4 and PW-5, both of them turned hostile. It has thus been submitted that the petitioner in these circumstances deserves the concession of bail especially since she has already been behind bars since the last more than 2 years.
4. Opposing the petition, learned State counsel assisted by learned counsel for the complainant, has submitted that it is a case based on dying declaration to

which a great sanctity is attached. It has further been submitted that the FIR lodged at the instance of the petitioner was not found to be substantiated by any evidence and was cancelled which would necessarily show that the allegations as per the version in the instant FIR are correct. Learned State counsel has not disputed the fact that the petitioner has been behind bars since the last more than 2 years and that two of the witnesses i.e. PW-4 and P-5 have resiled.

5. I have considered rival submissions addressed before this Court.
6. Having regard to the fact that the instant case was a case of cross version where the petitioner also sustained acid burn injuries and also the fact that the petitioner as on date has been behind bars since the last more than 2 years and two of the witnesses before whom the petitioner is alleged to have made extra judicial confession have already resiled and while noticing that the petitioner is a lady and conclusion of trial is likely to take some time, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on her furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

6.1.2021

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No