

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

(Through video-conferencing)

CRM-M No.30493 of 2021(O&M)

Date of decision: 05.08.2021

Krishana Devi @ Manu

.....Petitioner

vs.

State of Punjab

.....Respondent

CORAM: -HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: - Mr. J.K. Singla, Advocate
for the petitioner.

Mr. Amar Ashok Pathak, Addl., A.G., Punjab.

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RAJ MOHAN SINGH, J. (ORAL)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.27 dated 26.02.2021 registered under Sections 302, 201, 34 IPC IPC at Police Station Bhikhi, District Mansa.

Petitioner is a lady aged 19 years. FIR was registered at the instance of one Kulvir Singh with the allegations that his brother Ramandeep Singh called the complainant, on 23.02.2021 at about 3:21 PM and told that he was coming back to home. He again called the complainant thrice, which were not answered by the complainant.

Later on, when the complainant checked the mobile phone, then he

found missed calls and then called his brother Ramandeep Singh, but his phone was found to be switched off. Further allegations are that since last two days, phone of Ramandeep Singh was found to be switched off and he was not at home. Kuldeep Singh, neighbour of the complainant showed him photo of dead body of one person and on identification, the same was found to be the brother of the complainant. The FIR was lodged against Mahender Singh @ Monu, Vishnu, Kaku and other unknown persons with the allegations that these persons had killed the brother of the complainant because 1½ month ago, the aforesaid persons had come to the house of the complainant with deadly weapons and they had tried to kill the brother of the complainant, but due to intervention of Amandeep Singh, they went back by giving threats of killing Ramandeep Singh.

Learned counsel for the petitioner submits that the FIR in question was registered against four persons with specific names. Petitioner has not been named in the FIR. Complainant has not alleged any overt-act qua the petitioner. The petitioner along with other family members has been implicated on the basis of the alleged extra-judicial confession of Makhan Singh, MC, who has no relation either with the deceased or with the petitioner. The aforesaid Makhan Singh has implicated the petitioner after 10 days of the registration of the FIR. The alleged extra-judicial confession of the accused petitioner and the others before the aforesaid Makhan Singh MC is a weak type of evidence and the same cannot be relied upon without there being proper corroboration by way of other incriminating material, which is not in existence in the present petition.

During investigation, offences under Sections 27, 61, 85 of NDPS Act were added vide *rapat* No.58 dated 31.05.2021 and then offences under Sections 21, 29 read with Sections 27, 61, 85 of NDPS Act were also added vide *rapat* No. 52 dated 05.06.2021. Thereafter vide *rapat* No. 32 dated 6.6.2021, offences under Section 21, 29 read with Sections 27, 61, 85 of NDPS Act were deleted and challan was submitted under Sections 302, 201, 34 IPC. All the named four persons in the FIR have been exonerated and the prosecution has replaced the original accused with the petitioner, Sunny and Binder Kaur. Sunny is son of Ram Singh, Binder Kaur is the wife of Ram Singh and petitioner is wife of Sunny. In this way, all the family members have been implicated on the basis of alleged extra-judicial confession before MC Makhan Singh. MC Makhan Singh stated that the aforesaid accused came to him on 02.03.2021 and disclosed to him that on 23.02.2021 at 6.00 pm the deceased had come to their house and wanted some intoxicants. He was not having any money at that time and he had submitted his mobile with the petitioner. He got himself injected with intoxicants and thereafter, went inside the room. When he did not come out of the room for some time, then the accused went inside the room and found him dead. Accused gave him injuries by striking his head against the wall and dumped his dead body in the fields near the Reliance Petrol Pump.

Learned counsel for the petitioner submits that the area in which the dead body of Ramandeep Singh was buried does not belong to them. They have no conscious possession over site in question. The alleged extra-judicial confession before Makhan Singh,

MC is a weak type of confession and in the absence of any corroboration, the same cannot be relied against them. The petitioner is in custody since 02.04.2021.

Learned State counsel, however opposed the bail, but could not dispute factual matrix of the case.

Keeping in view the fact that the petitioner is a young lady having a child of less than 1 year, who is also in custody along with her, I deem it appropriate to enlarge the petitioner on regular bail without meaning anything on merits of the case.

In view of above, petition is allowed. Petitioner is ordered to be released on regular bail, subject to her furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

(RAJ MOHAN SINGH)
JUDGE

05.08.2021

Prince

whether speaking/non speaking	yes/no
<i>whether reportable/non reportable</i>	<i>yes/no</i>