

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.30834 of 2020 (O&M)

Date of Decision: September 17, 2021

Paramjeet Kaur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Arihant Jain, Advocate,
for the petitioner.

Mr. Ramdeep Partap Singh, 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.2 dated 04.01.2018, under Sections 302, 120-B and 201 IPC, 1860, registered at Police Station, Sadar Samana, District Patiala, who is in custody since her arrest on 07.01.2018.

The contents of the FIR, as noticed by the Additional Sessions Judge, Patiala in his order dated 11.09.2020, are as under:-

“Brief facts relevant for the disposal of present bail application are that applicant- accused is facing trial for the offence under Section 302 read with Section 120-B and 201 IPC for having entered into criminal conspiracy with co-accused Sukhchain Singh alias Chaini and Raj Kaur to commit murder of Tarsem Singh. Raj Kaur co-accused is wife of Tarsem Singh. Sukhchain Singh alias Chaini co-accused was alleged to be having illicit relations with Raj Kaur which led to quarrel between Tarsem Singh and Raj Kaur. As alleged by complainant, Sukhchain Singh and Raj Kaur were treating Tarsem Singh as a hindrance in their relationship. On 23.11.2017 Tarsem Singh left for work to Samana but did not

return home after that. When complainant Sukhbir Singh, brother of Tarsem Singh went to the house of Tarsem Singh to meet Tarsem Singh, Raj Kaur and Sukhchain Singh who were both present there, informed the complainant that Tarsem Singh had gone on a combine to Andhra Pradesh. However, when complainant tried to telephonically contact Tarsem Singh, the mobile phone was switched off. Complainant became suspicious of Sukhchain Singh and Raj Kaur and made efforts at his own level to search Tarsem Singh but was unable to find him. On 3.1.2018 Gurjant Singh, cousin brother of complainant informed the complainant that Gurjant Singh had seen Sukhchain Singh and Paramjeet Kaur i.e. present applicant- accused, resident of village Dhuar, talking to each other near a Karyana shop. Gurjant Singh had over heard Parmjeet Kaur asking Sukhchain Singh as to what had been done to Tarsem singh and that Sukhchain Singh told Paramjeet Kaur within the hearing of Gurjant Singh that after committing murder of Tarsem Singh, Sukhchain Singh had thrown the dead body of Tarsem Singh in Bhakra canal.”

Learned counsel for the petitioner has argued that the co-accused, namely Raj Kaur and Sukhchain Singh were allegedly having illicit relations and as the said relationship was opposed by husband of Raj Kaur, namely, Tarsem Singh (deceased), co-accused Sukhchain Singh pushed him in a canal, which resulted in his death. According to him, the victim got missing w.e.f. 23.11.2017, however, the case was registered on 04.01.2018 on the basis of statement of Sukhbir Singh (brother of the deceased), who relied upon the disclosure by his nephew Gurjant Singh, who had overheard the conversation between Paramjeet Kaur (petitioner) and Sukhchain Singh in respect of the alleged occurrence. Learned counsel has further argued that apparently the motive is assigned to co-accused Raj Kaur and Sukhchain Singh and the petitioner is not involved in the alleged act of homicidal death

of the victim. According to him, the petitioner being in custody for the last nearly four years deserves the concession of bail.

On the other hand, the prayer is opposed by the learned State counsel, assisted by ASI Pawan Kumar, on the ground that the petitioner actively participated in the crime and it was she, who called the victim near the canal by making a phone call to him and in this regard, the evidence of conversation between the two has been collected. He, on instructions, further submits that in all there are thirty one prosecution witness sixteen have been examined so far, including the complainant and his nephew.

After hearing the learned counsel for the parties, considering the above background as well as the custody of the petitioner, this court finds that the prosecution has already examined the material witnesses, namely, Sukhbir Singh (complainant) and his nephew Gurjant Singh, but still fifteen prosecution witnesses remain to be examined and it is likely to consume considerable time to conclude the trial. The petitioner is not involved in any other case of similar nature, therefore, her further custody behind the bars may not serve any useful purpose, who is presently confined in judicial custody after her arrest on 07.01.2018.

Resultantly, without meaning any expression of opinion on the merits of the case, the petition is allowed and it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate, Patiala.

September 17, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No