

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(208)

Date of Decision : 29.11.2021

1. CRM-M-35843 of 2020

Harwinder Singh @ Timmi

....Petitioner

Versus

State of Punjab

.....Respondent

2. CRM-M-1980 of 2021

Gurmeet Kaur

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. A.S. Manaise, Advocate,
for the petitioner in CRM-M-35843-2020.

Mr. Vipin Mahajan, Advocate,
for the petitioner in CRM-M-1980-2021.
Mr. Kirat Singh Sidhu, DAG, Punjab.

Mr. J.S., Mahal, Advocate,
for the complainant.

Harsimran Singh Sethi, J. (Oral)

This order shall dispose of two petitions i.e. CRM-M-35843-2020 and CRM-M-1980-2021, which have been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioners in respect of FIR No.75 dated 06.10.2019 registered under Sections 302, 34, 109, 115, 118, 119, 182, 120-B, 148, 149 of the IPC and Sections 25, 27, 54, 59 of the Arms Act, at Police Station Qila Lal Singh, District Gurdaspur.

Learned counsel for the petitioner argues that the petitioner in CRM-M-1980-2021 namely Gurmeet Kaur has only been roped in the

present FIR on the basis of an alleged extra-judicial confession, given before Budha Singh, but nothing has come on record, as to why the petitioner will commit such kind of blunder if she has actually committed the heinous crime.

Learned counsel appearing on behalf of petitioner in CRM-M-35843-2020 namely Harwinder Singh submits that the only allegation against the petitioner is that co-accused Gurmeet Kaur conspired with Balkar Singh and Charanjeet Singh, and they hired 3-4 persons including the petitioner to execute the deceased. Learned counsel submits that Charanjeet Singh and Balkar Singh have already been granted the benefit of regular bail by a Coordinate Bench of this Court along with the alleged hired killers namely Harpal Singh and Amritpal Singh and therefore, keeping in view the said fact, the petitioners, who are behind the bars since 24.12.2019 be granted the benefit of regular bail.

Learned State counsel submits that the allegations against the petitioner are serious in nature as petitioner Gurmeet Kaur is the wife of the deceased, but conspired with other co-accused so as to eliminate her husband and the other petitioner in CRM-M-35843-2020 namely Harwinder Singh is actually a hired killer who executed the deceased on the instructions of the other co-accused. Learned State counsel though concedes that co-accused Amritpal Singh, Charanjeet Singh, Balkar Singh as well as Harpal Singh have already been granted the regular bail by a Coordinate Bench of this Court, but submits that the only allegation against them was of holding the deceased, whereas the fatal blows were given by petitioner Harwinder Singh along with the other co-accused Bunty.

I have heard learned counsel for the parties and have gone

through the record with their able assistance.

The prosecution version is that petitioner-Gurmeet Kaur conspired with Balkar Singh and Charanjeet Singh to eliminate her husband i.e. deceased Jaswant Singh and the said Balkar Singh and Charanjeet Singh hired Amritpal Singh as well as the present petitioner Harwinder Singh along with another co-accused Bunty to execute the said conspiracy. Once, the co-accused who are alleged to be the conspirators of the crime as well as executor of the said conspiracy have already been granted regular bail by the Co-ordinate Bench of this Court, the petitioners, who are behind the bars for the last 2 years and the allegations against them are yet to be proved have made out a case for the grant of regular bail as keeping the petitioners behind the bars during entire period of trial will achieve no useful purpose especially when learned counsel for the petitioners have undertaken before this Court that the petitioners will not influence the trial in any manner and will maintain good conduct, if they are granted bail. In case of default of the undertaking, the State will be at liberty to approach this Court for passing appropriate orders.

The petitioners in both the cases are directed to be released on regular bail in case not required to be kept in custody in any other case subject to the satisfaction of the trial Court/Duty Magistrate concerned.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

29.11.2021
monika

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? *Yes*
Whether reportable? *No*