

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

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**CRM-M-38749-2020 (O&M)
Date of Decision: 07.04.2021**

Kulwinder Kaur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. P. S. Ahluwalia, Advocate, for the petitioner.

Mr. A.P.S. Gill, DAG, Punjab.

Mr. Avtar Singh Khinda, Advocate for the complainant.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in a case registered against her vide FIR No.52 dated 09.03.2020 at Police Station Sultanpur Lodhi, District Kapurthala, under Sections 302, 34 and 120-B of IPC.
2. The FIR was lodged at the instance of Swaran Singh son of Banta Singh, wherein it is alleged that they are 5 brothers and that when his father (Kishan Singh) died, then his mother had solemnized second marriage with his father Banta Singh. It is alleged that his nephew Mangal Singh had gone to Italy since the last about 12 years, while Mangal Singh's father Karam Singh and his wife Kulwinder Kaur (petitioner) were residing in the village. It is alleged that on 09.03.2020, Karam Singh after taking meals had

gone on his bicycle, but later he was found dead near the fields and the dead body was found to be bearing several injuries.

3. Although nobody was named as an accused in the FIR, but subsequently on 06.06.2020 a supplementary statement was got recorded by the complainant Swaran Singh to the effect that he had come to know that Karam Singh had been got murdered by his daughter-in-law Kulwinder Kaur, who was having illicit relations with Fateh Singh @ Fatta, who also happens to be related to her, as her brother-in-law and that Karam Singh has been got killed so as to enable the petitioner to continue with her relationship with Fateh Singh. It is further the case of the prosecution that subsequently upon arrest of the petitioner, she suffered a disclosure statement admitting her guilt.
4. The learned counsel for the petitioner has submitted that she is nowhere named in the FIR and has been nominated as an accused after about 3 months of lodging of the FIR on the basis of a supplementary statement, wherein the complainant has simply stated that he has now come to know about the names of the accused without there being anything to show as to how he has come to know about the same. Learned counsel has further submitted that although the prosecution is also relying upon the disclosure statement suffered by the petitioner herself wherein she admits her guilt, but the same cannot be taken into consideration in the absence of any other corroborative evidence.
5. Opposing the petition, the learned State counsel has submitted that since the complainant in his supplementary statement has

categorically stated against the petitioner and that the complainant has no motive to falsely implicate the petitioner, the said supplementary statement cannot be doubted. It has further been submitted that the disclosure statement made by the petitioner herself cannot be discarded, as it has specifically been stated by her that Karam Singh had been done to death as he had been objecting to the illicit relationship between the petitioner and Fateh Singh. The learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 10 months and the charges are yet to be framed.

6. I have considered the rival submissions addressed before this Court.
7. It is not in dispute that it is a case of blind murder, wherein none is named in the FIR and that subsequently the petitioner has been nominated as one of the accused on the basis of supplementary statement. Apart from the supplementary statement, the other piece of evidence is in the shape of disclosure statement. The admissibility and veracity of such like disclosure statement would certainly be debatable as there is no eye-witness to the occurrence in question and the entire case is based on circumstantial evidence. The petitioner, who is a lady, has already been behind bars since the last about 10 months and conclusion of trial is likely to consume time as the trial has not even commenced and charges have not been framed so far. In these circumstances, 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.

07.04.2021

VY/Vimal

(GURVINDER SINGH GILL)
JUDGE

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