

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

106

(1) CRM-M-46838 of 2021

Sukhbir Kaur

...Petitioner

Versus

State of Punjab

...Respondent

(2) CRM-M-46841 of 2021

Nirmal Singh

...Petitioner

Versus

State of Punjab

...Respondent

Date of Decision : 09.11.2021

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Harpreet Singh Dandiwal, Advocate for the petitioner(s).

Mr. Sandeep Singh Deol, DAG, Punjab.

Harsimran Singh Sethi, J. (Oral)

The above mentioned two petitions are being decided by this common order as both the petitions have arisen out of the same FIR and relate to grant of anticipatory bail.

The present petitions have been filed under Section 438 Cr.P.C. for the grant of anticipatory bail to the petitioners in respect of FIR No.0073 dated 18.03.2021 registered under Sections 364 and 323 of the IPC

(Sections 302 and 34 of the IPC added later on) at Police Station Civil Lines Patiala, District Patiala.

Learned counsel for the petitioners argues that the petitioners have wrongly been roped in the present FIR and they have nothing to do with the abduction and later on killing of the deceased namely, Sukhjeet Kaur. Learned counsel for the petitioners submits that the petitioners are ready to join and cooperate in investigation and, therefore, they may kindly be granted the benefit of anticipatory bail.

Learned State counsel submits that the allegations against the petitioners are serious as the petitioners in both the petitions conspired with other accused and had taken the deceased from Patiala, where she was residing with her husband to village Kalipur in District Mansa on a pretext where she was ultimately killed by her own parents namely, Sukhdev Singh and Jaswinder Kaur. Learned State counsel further submits that in order to elicit the truth behind the allegations, custodial interrogation of the petitioners is very necessary.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

The allegations alleged against the petitioners are very serious relating to 'honour killing'. The truth behind the allegations needs to be elicited, for which, the custodial interrogation of the petitioners is very necessary.

Further, this is not a case, where allowing the petitioners to join the investigation and cooperate will achieve purpose of investigation. Even the Hon'ble Supreme Court of India in *State represented by the C.B.I.*

Vs. Anil Sharma, 1997(4) R.C.R.(Criminal) 268, has held that in case where serious allegations have been alleged and the truth needs to be elicited from the accused, the same can only be done through the custodial interrogation as compared to questioning a suspect, who is already on anticipatory bail.

No ground is made out to grant the benefit of anticipatory bail to the petitioners keeping in view the facts and circumstances of this case.

Dismissed.

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.

November 09, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

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