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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-2970-2021
Date of Decision: 08.04.2022

Veerpal Kaur @ Pali

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Sandeep S. Majithia, Advocate
for the petitioner.

Mr. Sandeep Singh Deol, DAG, Punjab.

JASJIT SINGH BEDI, J.(Oral)

The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.0320 dated 13.11.2019, registered under Sections 302, 34 IPC at Police Station Police Commissionerate, District Amritsar (Annexure P-1).

The prosecution case in brief is that Balraj Singh S/o Salwinder Singh got registered an FIR that he had received information from a relative that his sister Baljit Kaur alias Roop wife of Gurminder Singh had been murdered by some unknown person by strangulation. The aforementioned FIR came to be registered against unknown persons.

During the course of investigation five accused were arrested namely, Gurminder Singh, Gurwinder Singh @ Gora, Sukhdeep Singh @ J.P., Geja Singh @ Desa and Veerpal Kaur @ Pali.

While Veerpal Kaur alias Pali and Gurminder Singh were the conspirators along with Gurwinder Singh @ Gora, the alleged assailants were Sukhdeep Singh alias J.P. and Geja Singh @ Desa. The motive for the murder was the illicit relations between Veerpal Kaur @ Pali and Gurminder Singh who wanted to do away with Baljit Kaur @ Roop wife of Gurminder Singh.

The learned counsel for the petitioner submits that the petitioner is not named in the FIR. She is to be the alleged paramour of co-accused Gurminder Singh. The petitioner is said to have made an extra-judicial confession to Rajinder Junaja-PW-4, who has turned hostile and has not supported the case of the prosecution. So far as her extra-judicial confession before her estranged ex-husband Anil Dhawan is concerned, it is submitted that the said Anil Dhawan is a most interested witness being estranged from the petitioner. Therefore, the said statement cannot be relied upon. He contends that the call records *inter-se* all the accused as set out in the challan does not further the case of the prosecution in the absence of the contents of the conversation. It is lastly contended that the petitioner is said to have made a payment to the alleged assailants but there is absolutely no evidence in the report under Section 173 Cr.P.C. regarding the payment made. He thus, contends that as on date, there is absolutely no evidence against the petitioner except the statement of her ex-husband Anil Dhawan who is a most inimical witness and it would be extremely unlikely that she would have gone to him and made an extra-judicial confession.

On the other hand, the learned State counsel admits the factual position. He, however, vehemently opposes the bail application but admits

the factual position of Rajinder Junaja turning hostile and that there was no evidence of the petitioner having made any payment to the assailants. Other than her disclosure statement to the Police as per which she had made a payment of Rs.1,66,000/- to Sukhdeep Singh @ J.P. and Geja Singh.

I have heard the rival contentions of both the parties.

The best case against the petitioner was the alleged extra-judicial confession made in front of Rajinder Junaja who has since turned hostile. Out of 39 witnesses cited by the prosecution 8 witnesses have been examined till date and the material witnesses have not supported the case of the prosecution. The Hon'ble Supreme Court in **“Dr. Gokarakonda Naga Saibaba Versus State of Maharashtra, 2016(2) RCR (Criminal) 675** and this Court in **“Devender Singh @ Devender Chhabra @ Tintu Versus State of Punjab, CRM-M-27957-2015 decided on 22.08.2016** has held that grant of bail can be considered, where witnesses stand examined.

Admittedly, the petitioner has been in custody since 19.11.2019. The trial is not likely to be concluded in the near future. As such, the further incarceration of the petitioner is thus not required.

Thus, without advertng to the merits of the case lest it prejudices either side, I deem it appropriate to enlarge the petitioner on regular bail.

Accordingly, the present petition is allowed. The petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

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

(JASJIT SINGH BEDI)
JUDGE

08.04.2022
JITESH

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