

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-7318-2022

DATE OF DECISION: FEBRUARY 24, 2022

NARINDER KAUR @ NINDER

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. BIPAN GHAI, SR. ADVOCATE
WITH MR. PARAS TALWAR, ADVOCATE
FOR THE PETITIONER.

MR. RAMANDEEP SINGH SANDHU, SR.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.24 dated 25.3.2021, under Section 302, 201/34 IPC, Police Station Verowal, District Tarn Taran, who is in custody since her arrest on 25.3.2021.

The allegations contained in the FIR as noticed by the Addl. Sessions Judge, Tarn Taran, in the order dated 7.9.2021, are as under:-

“The case is registered at the instance of Baljit Singh s/o Ajmer Singh r/o Sathiala, in his statement recorded on 25.03.2021, he stated that his sister Manpreet kaur was married with Jaswinder Singh s/o Balraj Singh r/o Sakianwali about eight years ago. He further stated that his sister was telling him that she was tortured and harassed mentally and physically by her husband and her mother in law Narinder Kaur (applicant/accused) as they were suspecting her character. The husband of his sister Jaswinder Singh is a truck driver. His sister was

feeling very disturbed with the behaviour of the applicant/accused and her husband. In the midnight of 22/23/03.2021 at about 1:00 AM, Jaswinder Singh his brother in law informed him on mobile number 9768810005 and told him that his sister had left the house after raising quarrel with them. In the morning, he alongwith his wife Harpreet Kaur and uncle Inderjit Singh went to village Sakkian wali; where his brother in law Jaswinder Singh and Narinder Kaur applicant/accused met him. When he inquired from them about his sister, they did not give any satisfactory reply. He also tried to trace out his sister but could not find any clue. He further stated that he is assured that his sister has been murdered by Jaswinder Singh and Narinder Kaur applicant/accused by hatching a criminal conspiracy.”

Learned Senior counsel for the petitioner has argued that as per complainant Baljit Singh, his sister Manpreet Kaur who was married with co-accused Jaswinder Singh son of petitioner Narinder Kaur @ Ninder went missing and this information was given to him by his brother-in-law Jaswinder Singh. Learned counsel has argued that as no dead body of the victim was recovered and there is nothing to indicate homicidal death, the petitioner and her son have been falsely implicated on the strength of extra judicial confession suffered before Sarabjit Singh who is a stranger to the petitioner and the same does not appear to be probable. He further submits that the statement of other witnesses, namely, Rajminder Singh and Satbir Singh do not seem to be natural and have been recorded to create evidence against the accused. According to him, the investigation of the case is complete and even charges have been framed on 24.8.2021, but no

prosecution witness has been examined, therefore, further custody of the petitioner may not be necessary. He prays for bail.

On the other hand, learned State counsel assisted by ASI Hari Singh has opposed the aforesaid prayer and argued that the petitioner and her son suspected illicit relations of the victim, therefore, they gave poisonous substance to her in order to eliminate her and in this regard has mainly referred to the extra judicial confession suffered by them. However, it is not disputed that the trial is yet to commence.

After hearing learned counsel for the parties and considering the above background, this Court finds that though the charges have been framed on 24.8.2021, but no prosecution witness has been examined. Therefore, it is apparent that conclusion of trial would take considerable time to conclude. Apart from it, the material witnesses are either the close relatives of the victim or the police officials and at present, there does not appear to be any possibility of their being won-over. Thus, further detention of the petitioner behind the bars, who is a lady, may not be justified for any useful purpose.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to her furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

February 24, 2022
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No
Whether Speaking/Reasoned : Yes/No