

**326 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****Date of decision : 30.05.2022****1. CRM-M-8073-2022**

Surjit Kaur **....Petitioner**
Vs.
State of Punjab **...Respondent**

2. CRM-M-16717-2022

Supreet Sandhu **....Petitioner**
Vs.
State of Punjab **...Respondent**

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Mohan Singh Chauhan, Advocate for the petitioner
in CRM-M-8073-2022.
Mr. Sanjiv Gupta, Advocate for the petitioner
in CRM-M-16717-2022.
Mr. Ramandeep Singh Sandhu, Sr.DAG, Punjab.

MANOJ BAJAJ, J.

Petitioners have filed these separate petitions under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.153 dated 05.11.2021 under Sections 302 and 120-B Indian Penal Code, 1860 and Sections 25, 27, 54 and 59 Arms Act, 1959 registered at Police Station Mehatpur, District Jalandhar, Punjab who were arrested on 05.11.2021 and 07.11.2021, respectively.

The contents of the FIR as noticed by the Additional Sessions Judge, Jalandhar in his order dated 21.12.2021 (in CRM-M-8073-2022) are as under:-

“From the perusal of police file this court finds that this case was registered against the accused/applicants and their co-accused Pritpal Singh under Section 302/120-B IPC, 25/27/54/59 of Arms Act on the statement of

complainant Rajwinder Kaur wife of Gurvinder Singh @ Laddy. As per the case of the prosecution, on 05.11.2021, at about 07:30 A.M her husband Gurvinder Singh @ Laddy son of Harbhajan Singh had gone to his fields at Esmailpur Road, Mehatpur. She was performing her work in their Dera. Her husband was ploughing land with the help of Tractor. At about 08:00 a.m Pritpal Singh son of Kairon Singh resident of Mohalla Saidan Mehatpur came there, whose land is adjoining to their land. He came there on his vehicle Etios bearing No.PB10-DP-1230 and brought out one riffle from his car with an intention to kill her husband and was raising Lalkaras. Thereafter, he fired four shots from his rifle at her husband which hit her husband. Thereafter, Pritpal Singh after firing from his rifle escaped from the spot on his vehicle alongwith rifle. When she went near her husband and raised raulla and due to which their neighbourer came on the spot. They were arranging some vehicle for taking her husband to hospital, but he expired on the spot. On the spot, her husband's paternal uncle Pritpal Singh son of Piara Singh was also present, who had witnessed the entire occurrence. The motive for the murder is that there was a dispute regarding Taur of their land with Pritpal Singh and due to which accused Pritpal Singh son of Kairon Singh committed the murder of her husband with gun shots. Pritpal Singh has committed this murder in criminal conspiracy with his family members. On the basis of this the present FIR was registered. Supplementary statement of the complainant was recorded and thereafter accused/applicants were nominated as accused in the present case and were arrested on 05.11.2021. ”

Learned counsel for the petitioners have argued that as per allegations by complainant-Rajwinder Kaur, accused Pritpal Singh came in his car bearing No.PB-10-DP-1230 at the fields, where her husband was working and fired four gunshots upon him, resulting in his death. He has argued that the complainant has not named the petitioners-Supreet Sandhu and Surjit Kaur, who are wife and mother-in-law, respectively of the main accused-Pritpal Singh, but they have been falsely implicated through the supplementary statement made by complainant, who alleged that accused Pritapal Singh committed the crime at their instigation. He submits that investigation of the

case is complete and prays for bail.

On the other hand, learned State counsel assisted by ASI Jaswinder Singh, while opposing the prayer does not dispute this fact that in the original version, petitioners are not named and firing of gunshot is attributed to Pritpal Singh, who is in custody and the weapon of offence is a licensed gun, which has also been recovered. He on instructions further states that investigation of the case is complete and challan also stands filed on 27.01.2021.

After hearing learned counsel for the parties, considering the above background, petitioners custody and the fact that the trial is yet to commence, this Court is of the opinion that the conclusion of trial is likely to consume considerable time, therefore, further detention of the petitioners, who are ladies may not serve any useful purpose, and are presently confined in judicial custody. Apart from it, the material witnesses are either complainant/injured or police official and at present there does not seem to be any possibility of their being won over.

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

The petitions are allowed.

30.05.2022

vanita

Whether speaking/reasoned :
Whether Reportable :

Yes
Yes

(MANOJ BAJAJ)
JUDGE

No
No