

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-8402-2022

Date of Decision: 18.10.2022

Gagandeep Kaur

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. S.S.Sidhu, Advocate, for the petitioner.

Mr. C.L.Pawar, Addl. AG, Punjab.

Mr. Parminder Singh, Advocate, for the complainant.

KARAMJIT SINGH, J.

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.132 dated 13.7.2021 registered for the offences punishable under Sections 302, 201, 120-B, 342 IPC at Police Station Talwandi Sabo, District Bathinda.

Counsel for the petitioner submits that the petitioner and one Dhan Kaur were falsely implicated in the present case relating to murder of Sukhdev Singh who was father-in-law of the present petitioner. He further submits that Dhan Kaur has been granted regular bail by the trial Court vide order dated 23.12.2021 (Annexure P-3) while the petitioner is languishing behind the bars for the last more than 1 year and 2 months and is having no criminal history. He further contended that the present case is based on circumstantial evidence and during the trial, complainant Jagveer Singh and

Sukhdev Singh. He further submitted that the prosecution story seems to be highly unnatural; that deceased Sukhdev Singh was residing with aforesaid Jugraj Singh and the dead body of the deceased was recovered from the house of said Jugraj Singh who is the husband of the petitioner. He further submits that the police failed to question said Jugraj Singh as to how his father died as the dead body was found to be having 6 injuries. Counsel for the petitioner further submits that the prosecution has failed to explain as to how said Jugraj Singh was cited as a prosecution witness while his wife (present petitioner) was nominated as accused when both of them were living together in the same house with deceased Sukhdev Singh. Counsel for the petitioner has further submitted that as the deceased was living with aforesaid Jugraj Singh in the same house, it was for said Jugraj Singh (husband of the petitioner) to explain as per the provisions of Section 106 of Evidence Act as to under what circumstances, the deceased sustained injuries and died. He further submits that in the given circumstances, as it will take time for the trial to conclude, no purpose is going to be served by keeping the petitioner in custody.

Present petition is contested by the State counsel as well as counsel for the complainant, both of whom, submitted that even during the life time of deceased Sukhdev Singh, the petitioner wanted to grab the land owned by the deceased and Jugraj Singh and that is why, the petitioner connived with Dhan Kaur and committed murder of Sukhdev Singh. However, the State counsel further submitted that all the material witnesses including the complainant Jagveer Singh, Jugraj Singh husband of the petitioner and one Sukhdev Singh have been examined during the trial and

disputed the fact that the petitioner is in custody for the last more than 1 year and 2 months and is not involved in any other criminal case.

I have considered the submissions made by the counsel for the parties.

The petitioner is a lady aged about 30 years. Admittedly, deceased Sukhdev Singh was father-in-law of the petitioner. Said Sukhdev Singh was residing with the petitioner and her husband Jugraj Singh who appeared in the witness box as PW3. On 13.7.2021, early in the morning, the dead body of Sukhdev Singh bearing injuries was found from the house where the deceased was residing along with PW3 Jugraj Singh and his wife (petitioner). Admittedly, said Jugraj Singh has been cited as a prosecution witness while his wife is nominated as accused. FIR in this case was got registered by PW2-Jagveer Singh who is real brother of PW3-Jugraj Singh. As per counsel for the petitioner, the prosecution story seems to be improbable.

Admittedly, the material witnesses have already been examined. So, there is no apprehension that if released on bail, the petitioner is going to influence them. Further, co-accused Dhan Kaur paternal aunt of the complainant who is also facing trial along with the petitioner has already been granted regular bail by the Court of Sessions vide order Annexure P-3. Further more, the petitioner is behind the bars for the last more than 1 year and 2 months and it will take time for the trial to conclude. Thus, this Court is of the view that no purpose is going to be served by keeping the petitioner.

In view of the above, without commenting on the merits of the

released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

October 18, 2022

Paritosh Kumar

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