

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of decision: 04.04.2022

1. CRM-M-13285-2020 (O&M)

Surjit Kaur

... Petitioner

Vs.

State of Punjab

... Respondent

2. CRM-M-8886-2022 (O&M)

Puneet Kumar Garg

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. P.S. Ahluwalia, Advocate and
Mr. Rohan Garg, Advocate
for the petitioner (in CRM-M-13285-2020).

Mr. A.S. Kler, Advocate
for the petitioner (in CRM-M-8886-2022).

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in both these petitions is for grant of regular bail to

petitioners Surjit Kaur and Puneet Kumar Garg, in FIR No.29 dated 03.02.2018 under Sections 302, 364, 201, 404, 120-B, 34 IPC, registered at Police Station Tripuri, District Patiala.

Learned counsel for the petitioners have submitted that as per allegations in the FIR, registered on the basis of statement of Vikramjit Singh Sandhu, he is residing in Canada and his mother Harbhajan Kaur is living in Chandigarh and they are having a Showroom No.22, where her mother was oftenly visiting and staying in its upper part. On 25.01.2018, she had come to Patiala and on 27.01.2018, his maternal aunt Jasvir Kaur informed me on phone that she had left his mother Harbhajan Kaur at Kohli Sweets Chowk, Tripri, from where an unknown lady asked her to sit on her Activa and took away. Thereafter, he was calling his mother, but the mobile phone was found switched off and initially, FIR was registered under Section 365 IPC. It is further submitted that during the investigation, petitioners Surjit Kaur and Puneet Kumar Garg were arrested and dead body along with other articles were recovered.

Learned counsel for petitioner Surjit Kaur submits that it is case of the prosecution that co-accused Puneet Kumar Garg (petitioner in CRM-M-8886-2022) was tenant of Harbhajan Kaur and landlord-tenant dispute was pending before the Court and no motive is attributed towards the petitioner, except that she helped him in committing the offence. It is further submitted that the petitioner is in custody for the last 04 years, 01 month and 17 days and trial is still at the stage of recording the prosecution evidence, as out of total 33, only 10 PWs have been examined, including all the material

witnesses and 15 PWs are yet to be examined; majority of them are official witnesses. Learned counsel has further submitted that the petitioner is suffering from gynecologic problems and has relied upon report of the Medical Officer, Central Jail, Patiala dated 29.06.2020 and another report of the Medical Officer, Central Jail, Patiala dated 24.09.2020 reads as under: -

“A diagnosis of PID (Pelvic Inflammatory Disease) has been made by the Board of Doctors as per the report No.1096 dated 23.09.2020.”

Learned counsel for petitioner Surjit Kaur has also submitted that the petitioner requires continuous medical attention and since she is in long custody of more than 04 years, she may be granted the concession of regular bail.

Reply by way of affidavit of Investigating Officer/Inspector Jagjit Singh, SHO, Police Station Tripuri, Patiala, filed in the Court today, is taken on record, in which, after verifying the facts as stated in the FIR, it is stated that after the complainant came back to India, he came to know that his mother Harbhajan Kaur was kidnapped by Puneet Kumar Garg and Surjit Kaur @ Nisha and they kept her in a captive place. During investigation, petitioner Surjit Kaur was arrested and she made a disclosure statement that she, in connivance with co-accused Puneet Kumar Garg, has committed the murder of Harbhajan Kaur and later, on the basis of her disclosure, dead body of Harbhajan Kaur was recovered from Village Navela, where she and co-accused Puneet Kumar Garg had thrown the dead body by tying in a coloured plastic bag. The decomposed body was recovered vide a recovery

memo. During further investigation, petitioner Surjit Kaur again made a disclosure statement that she had hidden her Aactiva opposite a resort and the same was also recovered. It is also stated that co-accused Puneet Kumar Garg was also arrested on 18.02.2018 and he made a disclosure statement that he along with petitioner Surjit Kaur committed the offence and took the dead body of Harbhajan Kaur in his car (Hyundai i10) bearing registration No.PB-13X-1786 to Himachal Pradesh and threw the same in the valley near Village Navela. Another disclosure statement of Puneet Kumar Garg was recorded, in which it is stated that he used a hammer in the commission of crime. It is further stated in the affidavit that recovery of car as well as hammer used in the crime, the gunny bag, which was used for taking dead body of Harbhajan Kaur to Himachal Pradesh, blood stained rear seat of the car, passport, two blank cheques of deceased Harbhajan Kaur and some gold jewelery, was effected from co-accused Puneet Kumar Garg and he is involved in as many as 06 more cases.

Learned State counsel, on the basis of affidavit, has argued that there is a motive attributed in this case, as the deceased was having a landlord-tenant dispute with Puneet Kumar Garg and even the petitions are pending before the Civil Court(s) and Rent Controller, therefore, he had a motive to commit the offence, however, on the basis of report of the Medical Officer, Central Jail, Patiala, it is not disputed that petitioner Surjit Kaur is continuously suffering from gynecologic problems, as per report of the Board of Doctors. It is also not disputed that as per custody certificate dated 02.04.2022, filed in the Court today, petitioner Surjit Kaur is in custody for

the last 04 years, 01 month and 17 days; she is not involved in any other case and all the material witnesses have already been examined.

At this stage, learned counsel for petitioner Puneet Kumar Garg seeks permission to withdraw the present petition.

Accordingly, petition (CRM-M-8886-2022) is dismissed as withdrawn.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering aforesaid facts and circumstances of the case, **petition (CRM-M-13285-2020) is allowed and petitioner Surjit Kaur** is directed to be released on regular bail subject to furnishing her bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned, as **CRM-M-8886-2022**, filed by Puneet Kumar Garg, **stands dismissed as withdrawn.**

Photocopy of this order be placed on the file of connected case.

[ARVIND SINGH SANGWAN]
JUDGE

04.04.2022
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No