

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

(Sr. No.214)

CRM-M No. 9429 of 2022

Date of decision : 11.07.2022

Surjit Kaur

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. G. S. Sethi, Advocate for
Mr. Chakitan Vikram Shekhar Papta, Advocate
for the petitioner.
Mr. Saurav Khurana, DAG, Punjab.
Mr. Yajur Sharma, Advocate for respondent No.2.

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DEEPAK SIBAL, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.0248 dated 06.11.2021 registered under Sections 304-B, 498-A and 120-B IPC at Police Station Tanda, district Hoshiarpur.

The petitioner, along with her son, Jagmeet Singh, is being prosecuted for having murdered her daughter-in-law - Harjinder Kaur.

Learned counsel for the petitioner submits that the petitioner, who is a senior citizen, has been falsely implicated in this case at the behest of the complainant; the petitioner has no other criminal case pending against her; the petitioner is in custody since 06.11.2021; the investigation in the case is complete and, therefore, the petitioner is not in a position to influence the same; as per the case of the prosecution co-accused Jagmeet

Singh, the deceased's husband and the petitioner's son, was an alcoholic who used to beat the complainant's daughter and that Jagmeet Singh and Rinku @ Nishan Singh gave beatings to the deceased a day before she died as also that on the date of death of the deceased it was from the petitioner's phone that one of the neighbourers of the petitioner gave a call to the complainant's wife informing her about the deceased's death and the petitioner's involvement in the same; there is not even an allegation against the petitioner with regard to giving of beatings or harassment to the deceased; the alleged information given by the petitioner's neighbourer is hearsay evidence and therefore worthless; there is no other evidence against the petitioner to connect her with the crime she is alleged to have committed; co-accused Rinku alias Nishan Singh has been declared innocent by the State showing the falsity in the case set up by the complainant and that since no witness in the petitioner's trial has been examined, the same will take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that in her disclosure statement the petitioner has stated that it was Jagmeet Singh who had murdered Harjinder Kaur.

The only evidence against the petitioner is her alleged disclosure statement made by her to the police while she was in custody as also the information given by the petitioner's neighbourer to the complainant's wife that the petitioner, along with others, had murdered the complainant's daughter.

In the light of Section 27 of the Indian Evidence Act, 1872 the evidentiary value of the alleged disclosure statement of the petitioner made

by her in police custody as also the value of the evidence allegedly given by the petitioner's neighbourer, being hearsay evidence, is debatable.

Irrespective of the above, the petitioner is a lady; she is a senior citizen; she has no other criminal antecedents; she is in custody since 06.11.2021; investigation in the case is complete and therefore, the petitioner is not in a position to influence the same and that since no witness in the petitioner's trial has been examined, the same is likely to take a long time to conclude.

In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Hoshiarpur the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

11.07.2022
sunil yadav

(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No