

CRM-M-13246-2021 (O&M)
Date of decision-16.05.2022

Sandeep Kaur

....Petitioner

Vs.

State of Punjab and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. G.S. Thind, Advocate for the petitioner.

Mr. Sandeep Singh Deol, DAG, Punjab.

None for respondent No.2.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 (2) Cr.P.C for cancellation of regular bail granted to respondent No.2-Lakhvir Singh @ Laki in case FIR No.0103 dated 01.05.2020 registered under Sections 302, 120-B and 34 of Indian Penal Code, 1860 at Police Station Bhawanigarh, District Sangrur.

Learned counsel for the petitioner has argued that the above FIR relates of the murder of the petitioner's husband namely, Varinder Singh son of Gurmail Singh who was brother of accused Lakhvir Singh @ Laki-respondent No.2. He has argued that respondent No.2 being an accused in the above FIR was released on regular bail vide order dated 25.01.2021, who after his release, illegally and forcibly took possession of agricultural land of her husband at village Bhattiwal Kalan and further leased it out to one Gurpreet Singh son of Budh Singh. According to him, the accused is not

only misappropriating the lease money, but is also restraining the petitioner from entering into the matrimonial home. He submits that the accused participated in the crime only to usurp the land of his brother, therefore, his bail deserves to be cancelled.

Notice of motion in the case was issued on 24.03.2021 and pursuant to the said order, respondent No.1-State has filed reply by way of affidavit dated 29.10.2021 of Gurinder Singh, PPS, Deputy Superintendent of Police, Sub Division Bhawanigarh, District Sangrur, whereas respondent No.2-accused has not filed any reply despite various opportunities.

After hearing learned counsel for the petitioner as well as State counsel, this Court finds that as per prosecution, victim Varinder Singh (brother of respondent No.2) was against the illicit relations between accused Manpreet Singh and Navpreet Kaur (wife of accused Lakhvir Singh @ Laki), therefore, Manpreet Singh along with his accomplices namely Bahadur Singh, Gagandeep Singh @ Gagi and Harpreet Singh @ Billa stopped the vehicle and pulled out Dharmender Singh and Varinder Singh out of the car, and Manpreet Singh, Gagandeep Singh @ Gagi, Bahadur Singh and Harpreet Singh @ Billa altogether caused injuries, resulting in death of Varinder Singh. Though, initially Navpreet Kaur was also implicated as an accused, but after investigation, she was found innocent, however, during trial, she was also summoned as an accused, who is presently on regular bail.

During the course of hearing, it has not been disputed by learned counsel that the petition is founded on the sole ground of alleged lease of land including share of deceased, by accused brother Lakhvir Singh @ Laki who deprived the petitioner of her share in lease amount. It is also

not disputed by learned counsel that the petitioner is neither a complainant nor a witness in the prosecution case and the main motive as per prosecution is attributed to accused Manpreet Singh, therefore, the argument that misappropriation of lease money by respondent No.2 is misuse of the concession of bail is misplaced.

Resultantly, this Court is not inclined to exercise the jurisdiction of power under Section 439(2) Cr.P.C., the petition is dismissed.

16.05.2022

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(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No