

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-22656-2022 (O&M)
Date of Decision:-7.9.2022

Gagandeep Kaur ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Charnjit Singh, Advocate for the petitioner.

Ms. Swati Batra, DAG, Punjab,
assisted by ASI Paramjit Singh.

GURVINDER SINGH GILL, J. (Oral)

CRM-23644-2022

In view of the reasons mentioned in the application, the same is allowed and documents annexed with the application are taken on record as Annexures P-6 and P-7 subject to all just exceptions.

CRM-M-22656-2022 (Main Case)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against her vide FIR No.0032 dated 20.04.2021 at Police Station Jodhan, District Ludhiana Rural, under Sections 302 and 34 of Indian Penal Code.

2. The FIR was lodged at the instance of Sukhdev Singh, wherein it has been alleged that he has two sons namely Ranjit Singh and Balwinder Singh. While Balwinder Singh had been residing separately, his other son Ranjit Singh and his wife Gagandeep Kaur were residing with him. The complainant has alleged that his son Ranjit Singh died on 14.04.2021. Upon enquiries made by the complainant at his own level, he found that Raghvir Singh son of complainant's brother-in-law was having illicit relations with his daughter-in-law Gagandeep Kaur and that on the night intervening 13/14.04.2021, Raghvir Singh came to their house on motorcycle in his absence and he (Raghvir Singh) along with his daughter-in-law Gagandeep Kaur daughter of Amarjit Singh administered some narcotic drug to Ranjit Singh and thereafter strangled him to death.
3. The learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that there is no eye-witness to the alleged occurrence. It has further been submitted that in any case when the complainant Sukhdev Singh stepped into the witness-box during the proceedings of trial as PW-1, he absolutely resiled from the statement. It has been submitted that even another witness i.e. PW-2 Baljinder Singh has also resiled from his statement and has not supported the case of the prosecution at all.
4. On the other hand, the learned State counsel has submitted that it is apparently a case where the petitioner has been able to win over the witnesses. Learned State counsel has submitted that PW-3 Hardev Singh has, however, clearly identified the accused when he stepped into the witness-box

though in his cross-examination, he has slightly faltered and stated that he had not seen Raghvir Singh coming to their village at any point of time. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last more than 1 year and 4 months and that he is not involved in any other case. It has also been informed that as on date 7 out of cited 14 PWs have been examined.

5. This Court has considered the rival submissions.
6. It is not in dispute that there is no eye-witness to the occurrence in question. Though it has been stated in the FIR that the complainant upon making enquiries came to know that the petitioner in connivance with complainant's daughter-in-law had murdered complainant's son Ranjit Singh, but when the complainant stepped into the witness-box, he absolutely resiled from his statement and did not support the case of the prosecution at all. Similarly, PW-2 Baljinder Singh also did not support the case of the prosecution. Though PW-3 Hardev Singh in his examination-in-chief did state that he had seen Raghvir Singh on his motor-cycle coming out of the house of Sukhdev Singh in a very hasty manner, but during the course of cross-examination, he stated that he had not seen Raghvir Singh coming to their village at any point of time. In any case, the petitioner has been behind bars for a substantial period of more than 1 year and 4 months. Conclusion of trial is likely to consume time inasmuch as only 7 out of cited 14 PWs have been examined. The petitioner otherwise has a clean record.
7. In view of the aforestated circumstances particularly the fact that the complainant has resiled from his statement, the instant petition merits acceptance. The petition, as such, is accepted and the petitioner is ordered to

be released on regular bail on her furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

7.9.2022

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**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No