

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-30729-2021
Date of Decision: 08.02.2022

Sarabjit Kaur @ Mindo

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Bhanu Pratap Singh, Advocate, for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

Through Video Conferencing

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.94 dated 23.06.2020, under Sections 302,201 and 120-B IPC, registered at Police Station Sadar Hoshiarpur, District Hoshiarpur.

It has been submitted by the learned counsel for the petitioner that the petitioner is a lady of the age of 47 years and she is in custody from 24.06.2020. He further submitted that as per the allegations contained in the FIR, the petitioner is an aunt (Mausi) of one Harpreet Singh @ Goldy who was allegedly having illicit relation with one Nirmal Kaur. The aforesaid Nirmal Kaur was residing alongwith her daughter Gurleen Kaur and her husband who is the complainant in the present case was living in Qatar. On

06.06.2020 the said Gurleen Kaur daughter of Nirmal Kaur had died but there is no dispute with regard to any mala fide regarding her death but thereafter on 12.06.2020 the aforesaid Nirmal Kaur also died. The allegations against the petitioner and the other co-accused were that the petitioner conspired with aforesaid Harpreet Singh @ Goldy and killed the aforesaid Nirmal Kaur. The role assigned to the petitioner was that there was an agreement to sell dated 10.06.2020 whereby the petitioner had agreed to purchase the house belonging to Nirmal Kaur and this was only reason as to why the petitioner has been roped in the present FIR. The learned counsel further submitted that the petitioner lives at a separate place and deceased Nirmal Kaur was in need of money and, therefore, she may have executed an agreement to sell of the property but no presumption can be drawn that the petitioner has also conspired with the other co-accused namely Harpreet Singh @ Goldy who was allegedly having illicit relationship with Nirmal Kaur to presume that any conspiracy was made with the petitioner. He further submitted that be that as it may this Court had also directed the State to file an affidavit with regard to the report of the Chemical Examiner and an affidavit has been filed today and it has been stated in the affidavit that the Chemical Examiner report states that the cause of death was Asphyxia and no poison was detected. He further submitted that the other co-accused namely, Surjit Singh who is the husband of the petitioner, Kirandeep Kaur and Nirmal Kaur @ Bholi have been granted regular bail by this Court vide Annexures P-5 to P-7. He further submitted that although the charges have been framed but the trial of the case would take long time and, therefore, the petitioner may be considered for the grant of regular bail.

On the other hand, Mr. Randhir Singh Thind, learned Deputy Advocate General, Punjab has submitted that it is correct that the petitioner is in custody from 24.06.2020 which is almost 1 year and 8 months and the charges have been framed in the present case. He further submitted that the petitioner being aunt (Mausi) of Harpreet Singh @ Goldy has also conspired which caused the death of deceased Nirmal Kaur.

I have heard the learned counsel for the parties.

The petitioner who is the age of 47 years is in custody from 24.06.2020. As per the allegation against the petitioner, she in order to grab the property of Nirmal Kaur, she had conspired with Harpreet Singh @ Goldy and killed her. The prosecution has relied upon the agreement to sell dated 10.06.2020 in this regard. However, it is not understandable as to how the existence of agreement to sell itself can raise any presumption against the petitioner. This Court does not wish to express anything on the merits of the case since the matter is at the trial stage but while considering the grant of bail, the relevant factors are required to be considered. The husband of the petitioner and two more co-accused have been granted regular bail by this Court. The State has not taken any objection that in case the petitioner is released on bail, then she may abscond from justice or may influence any witnesses.

Therefore considering the aforesaid factual position and facts and circumstances of the present case, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

08.02.2022

rakesh

(JASGURPREET SINGH PURI)

JUDGE

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No