

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

CRM-M-28858-2022

Date of Decision:-13.07.2022

Jaswinder Kaur & Anr.

.....Petitioners.

Versus

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Naresh Jain, Advocate for the Petitioners.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab.

JASJIT SINGH BEDI, J. (ORAL)

The Prayer in this petition under section 439 Cr.PC is for the grant of regular bail in case FIR No.0041 dated 17.05.2022 under Sections 109, 120-B IPC (Offence under Section 115 of IPC added later on vide Rapat No.30 dated 01.06.2022) registered at Police Station Bariwala, District Shri Muktsar Sahib.

2. The brief facts of the case are that a secret informer informed the police party that Hardeep Kaur @ Veeran (petitioner no.2) and Jaswinder Kaur (petitioner no.1) along with Happy Singh son of Jagdish Singh were sitting in a hut near Kothe Bahadargarh Harike Kalan and on the directions of Jagtar Singh, XEN were planning to kill his wife Birinder Kaur when she was to come on the date of hearing in the divorce petition pending against Jagtar Singh. They were to receive their due amount in equal

shares. Base on this information the police party proceeded to the spot and heard the two ladies and a male person having a conversation to the aforesaid effect. Based on the said information and the subsequent investigation by the police, the aforesaid FIR came to be registered.

3. The Counsel for the petitioner submits that the allegations are absurd on the face of it. No recovery has been effected from the petitioners and no overt act has been attributed to the them. He further contends that no divorce case is pending between the Birinder Kaur and Jagtar Singh as the same was dismissed as withdrawn on 23.02.2021 and the present FIR was registered only on 17.05.2022. He thus contended that the entire case is a fabrication. In fact the petitioner no.1 has been implicated as Birinder Kaur suspected that Jagtar Singh her husband was having illicit relations with her and the petitioner no.2 is the sister of petitioner no.1. The present FIR is an outcome of the influence exercised by Birinder Kaur whose uncle is an Ex-MLA and her cousin is a public prosecutor. It is lastly contended that Jagtar Singh has been granted the concession of interim anticipatory bail by this Court vide order dated 6.7.2022 and therefore the petitioners ought to be granted the concession of bail.

4. The Counsel for the State on the other hand opposes the bail application but does not dispute the factual position that no incriminating material including the weapon of offence has been recovered from the petitioners and that they are in custody since 17.05.2022.

5. I have heard counsel for both the sides at length.

6. Admittedly, the petitioners are ladies who are not involved in any other case and as such do not have criminal antecedents. The alleged main accused Jagtar Singh at whose instance the entire occurrence is said to

have taken place has been granted the concession of interim anticipatory bail by this Court.

7. Keeping in view the aforesaid facts, the further incarceration of the petitioner is not required. Thus without commenting on the merits of the case, the present petition is allowed and the petitioners-**Jaswinder Kaur** wife of Darshan Singh and **Hardeep Kaur @ Veeran** wife of Mander Singh are ordered to be released on bail subject to their furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

July 13, 2022
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>