

212 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-38160-2022
Decided on : 21.09.2022

Sandeep Kaur

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Shivam Joshi, Advocate
for the petitioner.

Mr. Teevar Sharma, AAG, Punjab.

Manjari Nehru Kaul, J.(Oral)

This is the fourth petition filed under Section 439 Cr.PC for grant of regular bail to the petitioner in case FIR No.205 dated 10.10.2020 under Section 306 IPC (Section 201 IPC added later on) registered at Police Station Mohkampura District Amritsar as the previous petition was dismissed as withdrawn as recently as on 30.05.2022.

On a pointed query put to learned counsel as to what was the material change in circumstances, which would warrant entertaining the instant petition subsequent to the dismissal of the previous petition on 30.05.2022, he submitted that the petitioner had been falsely implicated in the case in hand and there was no likelihood of the trial concluding in the near future as prosecution evidence was still underway. While drawing the attention of this Court to the allegations levelled in the FIR, learned counsel submitted that when the deceased Vikramjit Singh committed suicide, the

petitioner was not even in close vicinity of the place where the deceased was found hanging as she was on official duty on the said date. It was further submitted that it was on account of local politics, the police had lodged a false and fabricated case against the petitioner. It was also submitted that as per the allegations levelled in the FIR in question, the petitioner, who was posted as Sub Inspector in Punjab Police, had been subjecting the deceased to continuous mental harassment and pressurizing him to perform marriage with her after divorcing his wife and had also extorted large sums of money after blackmailing the deceased. Learned counsel submitted that there was no evidence on record from which it could be even remotely shown that the petitioner had even received any such amount of money from the deceased. A prayer was, therefore made for extending the concession of bail to the petitioner as she had now been in custody since 05.11.2020 coupled with the fact that in another FIR No.349 dated 11.10.2020, which too was registered under Sections 306 and 201 IPC for abetting the suicide of the complainant i.e. widow of the deceased, she had been extended the concession of bail by Hon'ble Supreme Court on 12.08.2022.

Learned State counsel on instructions while opposing the prayer and submissions made by the counsel opposite submitted that no doubt, the petitioner had been granted the concession of bail in another FIR No.349 dated 11.10.2020, however, the facts and circumstances of the case in hand, were distinguishable as not only a detailed suicide note had been left behind by the deceased but soon before the deceased committed suicide, he sent a voice message to the complainant that he was ending his life on

account of the mental harassment including threats extended to him by the petitioner. While drawing the attention of this Court to the contents of the suicide note (Annexure P-5) as well as the allegations levelled in the FIR in question, which stands reproduced in the petition, learned State counsel submitted that the petitioner, who is a police official, after misusing her position had continuously been threatening the deceased with dire consequences through her paramours. Besides this, she had also extracted a huge amount of money i.e. Rs.17-18 lakhs from the deceased. Learned State counsel submitted that enough documentary evidence had been collected by the investigating agency during investigation and still further in the facts and circumstances, the mischief of ingredients of Section 306 IPC were clearly made out. It was further submitted that 04 out of 23 material witnesses had been examined, who had supported the case of the prosecution in its entirety and now the next date fixed before the trial Court was 01.10.2022 when some more prosecution witnesses were likely to be examined. Learned State counsel also submitted that since only formal witnesses remained to be examined, the trial would not take much time to conclude. It was also submitted that there was every likelihood that the petitioner, if released on bail, could tamper with evidence and try to influence the remaining witnesses to depose in her favour.

Heard learned counsel and perused the relevant material available on record.

No doubt, the petitioner has been in custody for 1 year and 10 months having been arrested on 05.11.2020, however, as apprised by the State counsel, most of the prosecution witnesses, who remain to be

examined, are formal witnesses. Hence, the trial can be expected to conclude shortly.

Prima facie, there are specific allegations levelled against the petitioner not only in the FIR, which was registered at the instance of the complainant i.e. wife of the deceased, who too committed suicide on the following day of its registration but a voice message was sent by the deceased and a detailed suicide note also left behind by him wherein he not only named the petitioner but also detailed the various instances of harassment and threats extended to him by her.

In the facts and circumstances as enumerated hereinabove, this Court is thus not inclined to extend the concession of bail to the petitioner. Accordingly, the present petition stands dismissed. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

The trial Court shall make earnest efforts to conclude the trial expeditiously preferably within a period of six months from today as the petitioner has now been in custody since 05.11.2020.

21.09.2022
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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned:
Whether reportable :

Yes/No
Yes/No