

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

CRM-M-39870-2020 (O&M)

Date of decision: 09.05.2022

Karamvir Singh @ Kaka

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

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

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 258 dated 26.09.2019, registered under Sections 302, 120-B, 34, 201 of the IPC at Police Station Civil Lines, Patiala.

Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of complainant Sunny Singh, it is stated that his sister Poonam Rani was married to co-accused Maninder Singh, who is doing a private job. It is further stated that Maninder Singh had extra marital affairs with some other girl and due to this reason, he started harassing his wife, who told his brother/complainant about this fact that Maninder Singh has pressed her neck with his foot and forced her to write a suicide note but she rescued herself. In this regard, a

Panchayat was also convened at the house of Maninder Singh, where Poonam Rani told the complainant party about all the facts. Again on 24.09.2019, Poonam called her father and told that Maninder Singh is harassing her. On this, father of Poonam pacified her that within 02/03 days, they will come and persuade Maninder Singh in this regard. Later on, the complainant got a call from his Pardeep Kumar that his sister Poonam is lying in an injured condition and her husband Maninder Singh has also suffered some injuries and both of them are admitted in Rajindra Hospital, Patiala. On this, the complainant party went to the hospital, where they found that Poonam has died on account of serious head injuries and her left arm was also fractured. Maninder Singh was also admitted in the said hospital but there were no apparent injuries on his body. It is further submitted that due to illicit relation with some other girl, Maninder Singh committed the murder of Poonam to get rid of her. It is further stated that last night, Maninder Singh brought Poonam out of the house on the pretext of walk and in conspiracy with some other persons, has given her injuries.

Learned counsel further submits that except for the disclosure statements of co-accused Maninder Singh and Uttam Singh, there is no other evidence against the petitioner. It is further submitted that even from the disclosure of aforesaid two co-accused, it is not made out that the petitioner was present at the spot when the alleged injuries were caused to Poonam.

Learned counsel has referred to statement of complainant/PW-1 Sunny Singh to submit that in the examination-in-chief, he has nowhere mentioned the petitioner as one of the persons, who accompanied

co-accused Maninder Singh, when the injuries were allegedly given to Poonam.

Learned counsel for the petitioner has further referred to the cross-examination of the aforesaid witness, where he has stated that he knew the name of the girl, who was having illicit relation with Maninder Singh but he never disclosed the name of the said girl.

Learned counsel for the petitioner has then referred to the statement of PW-3 Ram Singh wherein he has stated that he is cousin brother of deceased and further stated that there was matrimonial dispute between Poonam and Maninder Singh and in this regard, Panchayats were also called and Maninder Singh, in conspiracy with Uttam Nepali, murdered his Poonam. This witness has nowhere named the petitioner as one of the conspirator with Maninder Singh.

Reply, filed by way of the affidavit of the Investigating Officer, is on record, as per which, in para 5, it is stated that in the disclosure statement of Maninder Singh, though he has named the petitioner as person to whom he has paid money, however, a perusal of the latter part of the statement shows that it is co-accused Maninder Singh and Uttam Singh, who were present when the injuries were caused to Poonam. Similar is the statement of co-accused Uttam Singh.

Learned State counsel has submitted that recovery of the baseball bat was effected from the petitioner.

After hearing learned counsel for the parties, without commenting upon the merits of the case, considering the fact that the petitioner is in judicial custody for the last 02 years, 07 months and 07 days

and also considering the allegations in the FIR, statement of PW-2 and PW-3 as well as the disclosure statement of aforesaid two co-accused, which will be a matter of final adjudication by the trial Court whether the petitioner was in fact a part of the conspiracy for committing murder of the sister of the complainant and if he was present at the spot when the injuries were given to deceased or not, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate, concerned.

09.05.2022

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No