

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

CRM-M-43184-2022 (O&M)
Date of Decision:-23.9.2022

Balwinder Kaur ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Ashish Nagar, Advocate for the petitioner.

Mr. Luvinder Sofat, DAG, Punjab,
assisted by ASI Rakesh Kumar.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.0087, dated 26.4.2020, Police Station Garhshankar, District Hoshiarpur, under Sections 302, 201 and 120-B of Indian Penal Code.
2. The case of the prosecution is that on 26.4.2020, when a police party headed by Inspector Iqbal Singh, was present near Rest House, Garhshankar in connection with checking, then a secret informer furnished information to the effect that Jaspreet Kaur had left her house without informing her parents on 24.2.2020 and the family suspected the hand of Amanpreet Singh @ Aman in the same. However, on the next day, Jaspreet Kaur was found at Railway

Station and, as such, her mother Balwinder Kaur stated that they did not want to initiate any action. Jaspreet Kaur was taken back to home. However, on the night intervening 25/26.4.2020 Balwinder Kaur, Satdev (uncle of the deceased) Swaraj @ Mani, Gurdeep and Lala in connivance with each other administered sleeping tablets to Jaspreet Kaur and thereafter while she was sleeping, strangled her to death, being enraged on account of Jaspreet Kaur having spoiled their reputation. The information was further to the effect that Gurdeep, Satdev and the others had cremated dead-body of Jaspreet Kaur at about 2-2:30 a.m. with an intention to cause disappearance of the body and that infact the pyre was still lit.

3. Learned counsel for the petitioner submits that it is a case where petitioner's daughter had died a natural death on 25.4.2020 and had to be cremated in a hurry on account of the fact that pandemic COVID-19 had set in and there was lockdown in the entire country and on account of which the family could not even get the postmortem conducted. The learned counsel for the petitioner has submitted that the prosecution has somehow roped in the entire family on account of death of petitioner's daughter, whereas the entire family was in a state of grief having lost a young girl. It has further been submitted that the only evidence collected by the police was in the shape of a witness namely Paras Ram but when the said witness stepped into the witness box, he has absolutely resiled from his statement and categorically stated that he had never seen the accused on the night intervening 25/26.4.2020, when death had taken place or when the deceased had been cremated.
4. Opposing the petition, learned State counsel submitted that since it is a case where petitioner's daughter was done to death as a "honor killing" and the

petitioner had hurriedly cremated her in an attempt to destroy evidence, the complicity of the petitioner and of other members of her family is clearly evident. It has been submitted that the petitioner, in any case, would be held liable with the aid of Section 106 of Evidence Act. The learned State counsel has informed that the petitioner otherwise has been behind bars since the last about 2 years and 5 months and is not involved in any other offence.

5. This Court has considered rival submissions.
6. Without commenting anything as regards merits of the case but while noticing that the petitioner, who is a lady, has been behind bars for a substantial period of about 2 years and 5 months and is otherwise stated to be having a clean record, further detention of the petitioner would not be justified. 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.

23.9.2022

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No