

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

1. CRM-M-47310-2021 (O&M)

Mamta Rani

...Petitioner

Versus

State of Punjab

...Respondent

2. CRM-M-745-2022 (O&M)

Boby

...Petitioner

Versus

State of Punjab

...Respondent

Date of decision: 30.05.2022

CORAM:- HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Vipin Mahajan, Advocate
for the petitioner in CRM-M-47310-2021.

Mr. M. S. Basra, Advocate
for the petitioner in CRM-M-745-2022.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This common order shall dispose of above noted two petitions
as they arise out of the same FIR.

Prayer in these petitions, filed under Section 439 of the Code of
Criminal Procedure, is for grant of regular bail to petitioners Mamta Rani
and Bobby in case FIR No. 281 dated 24.12.2020, registered under Sections

302, 120-B of the IPC and Section 66 of the Information Technology Act, 2000 at Police Station Dhariwal, District Gurdaspur.

Learned counsel, appearing for petitioner Mamta Rani, submits that as per allegations in the FIR, registered at the instance of complainant Satnam Singh, who is father-in-law of petitioner Mamta Rani, it is stated that on the date of incident i.e. 23.12.2020, the whole family took meal and went to sleep. At about 12:30 A.M., his daughter-in-law (Mamta Rani) woke him up and told that Jagdeep Singh @ Jaggi has gone downstairs for a walk but he did not return. On the asking of the petitioner, the complainant went downstairs in the light of a torch and he found that his son was lying in an injured condition having grievous injuries on his face, head and neck. Thereafter, he called his nephew from the neighbourhood and took Jagdeep Singh @ Jaggi to Civil Hospital, Gurdaspur, where he died. It is further stated that some unknown persons, by entering into the hall of their house, have killed Jagdeep Singh @ Jaggi.

Learned counsel further submits that later the supplementary statement of the complainant, petitioner Mamta Rani was nominated as an accused along with three other accused, namely Shera, Ganesh and Bobby.

It is further submitted that now the statement of the complainant stands recorded before the Court as PW-1, in which he has not stated anything about petitioner Mamta Rani, who is his daughter-in-law, and even denied to having made any such supplementary statement to the police. In the cross-examination also, this witness stated that Mamta is not involved in any manner nor she is conspirator in the murder of his son.

Learned counsel has relied upon the statement of PW-2

Rajdeep Singh, who stated that complainant/PW-1 Satnam Singh is his paternal uncle and deceased Jagdeep Singh @ Jaggi was his son. He further stated that on 23.12.2020, he received a phone call from daughter of complainant and when he went to his house, he found complainant Satpal Singh there, who told him that someone has caused fatal injuries to Jagdeep Singh @ Jaggi. He further came to know that he was taken to hospital, where he died. It is further stated that in the evening of the same day, he went to one Gagan Dhaba, situated at the main highway and saw three persons, namely Ganesh Kumar, Bobby and Shera, sitting there. He heard their conversation from some distance and all of the three accused persons were talking about killing someone, however, he could not clearly hear as to what they were talking and whose murder they were planning. This witness was also declared hostile and later on, he even resiled from making any such statement to the police.

Learned counsel further submits that petitioner Mamta Rani is in judicial custody for the last 01 year, 04 months and 20 days and she has two minor children to take care of them and she is only a housewife.

Learned counsel, appearing for petitione Bobby, submits that the only allegation against him is the disclosure statement of co-accused Ganesh that when he had gone to commit the offence, the petitioner accompanied him and except for this, there is no other allegation against the petitioner. It is further submitted that the petitioner is in judicial custody for the last more than 01 year and 04 months.

Reply, filed by way of the affidavit of the DSP, Rural, District Gurdaspur, is on record, in which after verifying the facts of the FIR, it is

stated that during the technical investigation, petitioner Mamta Rani was joined investigation and she stated that she was having a love affair with co-accused Ganesh Kumar @ Gasi as her husband Jagdeep Singh used to give her beating. Thereafter, Ganesh Kumar @ Gasi was arrested and his disclosure was recorded, in which Bobby and Sher Singh @ Shera were also nominated as accused. It is further stated in the affidavit that it has come during investigation that for some period, petitioner Mamta Rani started living with her sister and later on, she was brought back to her matrimonial home her husband Jagdeep Singh @ Jaggi. It is also stated that the statement of Rajdeep Singh was recorded under Section 161 Cr.P.C., in which he stated that he had seen three accused persons, Ganesh Kumar, Bobby and Shera, sitting at Gagan Dhaba and they were talking to kill somebody.

Learned State counsel, on instructions from SI Onkar Singh, could not dispute the factual position that there is no private witness or eye-witness to the incident and both the aforesaid witnesses have already been examined.

After hearing learned counsel for the parties, without making any comment on the merits of the case, considering the fact that complainant/PW-1 Satnam Singh has not supported the prosecution version with regard to accused Mamta Rani and has only stated that it is Mamta Rani who has seen aforesaid three accused persons going on a motorcycle and also in view of the fact that even in the statement of PW-2 Rajdeep Singh, it has not come that the accused persons were conspiring to commit the murder of Jagdeep Singh @ Jaggi and he has only stated that they were

talking with each other to kill somebody but he could not hear the name of the person they were planning to kill and also considering the long judicial custody of the petitioners, the instant petitions are allowed. Petitioners Mamta Rani and Bobby are ordered to be released on regular bail on their furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate concerned.

A photocopy of this order be placed on the file of other connected case.

30.05.2022
Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No