

208.

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

CRM-M-54329-2021

Date of Decision: 07.01.2022

(Heard through VC)

DALJIT KAUR

.... Petitioner

Versus

STATE OF PUNJAB

.... Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Anil K. Sagar, Advocate, for the petitioner.

Mr. R.S. Khaira, AAG, Punjab.

JAISHREE THAKUR.J

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.32, dated 13.02.2021, registered under Sections 302/34/364/201/120-B of IPC at Police Station Mataur, District SAS Nagar, Mohali, during the pendency of trial.

Learned counsel appearing on behalf of the petitioner would contend false implication in the said FIR. It is contended that as per the prosecution version, Sunil Kumar, brother of the complainant, had gone missing on 11.02.2021 and a DDR was registered by the police on 12.02.2021. The body of the said deceased was recovered on 13.02.2021 and on a statement given by the complainant, an FIR was registered under Sections 302, 34 IPC against the unknown persons. It is argued that initially the FIR was registered against unknown persons and it is only on the

supplementary statement recorded, the petitioner, who is a female, came to be nominated as an accused and arrested thereafter. It is submitted that the petitioner is supposed to have confessed that she and co-accused Pankaj Sharma had given dhapli blow on the head of the deceased and after tying his face with the tape and handkerchief had killed him by strangulating and thrown his dead body in the bhakhra river as the deceased was blackmailing them. It is submitted that the alleged disclosure statement cannot be relied upon. It is also argued that the challan has been presented based on circumstantial evidence and there is no eyewitness to the present case. It is submitted that the postmortem report reflects that the commencement of the autopsy is at 12:00 PM on 14.02.2021. It is further submitted that the time of death and the postmortem examination is within 24 hours which raises a suspicion about the veracity of the date and time of the alleged murder. It is also argued that the alleged witness had stated that he saw the car and the accused persons on 11.03.2021 at 8:00 AM, whereas the death is supposed to have taken place on 11.02.2021, a month prior thereto. It is argued that the circumstantial evidence is not enough to convict the petitioner herein and as the challan stands presented, the petitioner ought to be released on regular bail.

On the other hand, learned State counsel opposes the grant of regular bail by contending that the petitioner herein has been nominated as an accused for an offence of murder and as per the investigation done, there are call details which would reflect that the deceased and the petitioner herein were in contact. He relies upon the challan presented to argue that Daljit Kaur, the petitioner herein, had called the deceased at his mobile no.88724

88995 and 76579 01009 on 10.02.2021. The deceased received messages of Daljit Kaur (petitioner) at different times and that he also had talked with her on several occasions. On 10.02.2021 at 7.36 PM, the location of Sunil Kumar was in Mohali and thereafter, his location changed to different places, and at 8.59 PM, his call location was shown to be in Bassi Pathana. On 10.02.2021 at night, the location latitude and longitude of the mobile number of the deceased and of the accused petitioner Daljit Kaur was shown to be at one place. It is also argued that during investigation, the ownership of the mobile number of the petitioner and the co-accused Pankaj Sharma has been verified. It is submitted that there is also a disclosure statement wherein the petitioner has confessed to have given a dhapli blow on the head of the deceased and killed him by strangulating and thereafter, thrown the dead body.

I have heard learned counsel for the parties and have also perused the challan, as filed.

The allegations, as raised against the petitioner, are serious in nature showing her alleged role in the commission of offence. No doubt, the challan stands presented, however, the trial is at initial stage, even neither charges have been framed nor the material witnesses have been examined.

Accordingly, the present petition stands dismissed.

(JAISHREE THAKUR)
JUDGE

07.01.2022
sanjeev

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No