

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Case No. : CRM-M-418-2023

Date of Decision : April 12, 2023

Gurmeet Kaur		Petitioner
vs.		
State of Punjab		Respondent

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH.

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Present : Mr. Ranjeet Kumar Jaiswal, Advocate
for the petitioner.

Mr. Sarabjit Singh Cheema, DAG, Punjab.

Mr. B. P. S. Virk, Advocate
for the complainant.

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GURBIR SINGH, J. :

Prayer in this petition, filed under Section 439 Cr.P.C., is for grant of regular bail to the petitioner in case FIR No.15 dated 10.02.2021, under Sections 307, 120-B, 34 IPC, registered at Police Station Ghagga, District Patiala.

Pursuant to order passed by this Court on 31.01.2023, Status Report by way of affidavit of Gurdeep Singh, PPS, Deputy Superintendent of Police, Sub Division Patran, District Patiala, has been filed, which is ordered to be taken on record.

The FIR in question was registered on the statement of one Amrit Singh. As per allegations, his marriage was solemnized with Gurmeet Kaur (petitioner) about 18 years ago. He had two sons. His elder son was Lovepreet Singh aged about 16 years and younger son was Goldy Singh

aged about 13 years. Earlier, the used to reside at Village Khaspur but for the last 6-7 months, he had been living at Village Daroli. His co-brother Jogi Ram and his sister-in-law Kuldeep Kaur were interfering in his family. His co-brother Jogi Ram was having illicit relations with his wife (petitioner). He made them understand many times to stop their acts but they did not stop. About three months ago, his co-brother took his wife to Madhya Pradesh. On his persuasion, he called her back and again his co-brother Jogi Ram took his wife with him and they returned after 15 days. On 09.02.2021 i.e. one day prior to the registration of FIR, he and his son Lovepreet Singh were present at the house. His wife Gurmeet Kaur i.e. the petitioner, who had gone from the house about 5-6 days ago, came back to the house along with his co-brother Jogi Ram and sister-in-law Kuldeep Kaur, on motorcycle. The petitioner prepared tea. She mixed something in one cup of tea, which was taken by his son Lovepreet Singh, who after sometime, became sleepy. At about 06:00 PM, all three persons hatched conspiracy with each other. Jogi Ram and Kuldeep Kaur caught hold of him and the petitioner poured diesel upon the complainant which they had brought in a can. In pursuance to the conspiracy hatched by them to kill him, the petitioner put him on fire with a matchstick and all of them fled away from the spot on the motorcycle. He raised alarm. Nearby persons came there. They poured water and put off the fire. They informed at his Village Khaspur. His father and mother arranged conveyance and took him to Village Khaspur. They got him medicines from a Chemist. On the next day, he was having severe problem, so his brother Ranjit Singh took him to the hospital on motorcycle and got him admitted there.

Learned counsel for the petitioner has submitted that as per the medical evidence, there was no disfigurement. The complainant did not get himself admitted on the same very day. Had there been any such occurrence, the complainant would have been taken to the hospital immediately. All injuries were simple in nature. The petitioner is in custody since 24.08.2022. Co-accused Hardeep Singh @ Jogi Ram and Kuldeep Kaur have already been granted bail by the Court of learned Additional Sessions Judge, Patiala vide order dated 02.03.2023 and 21.02.2023 respectively. Challan has already been presented and completion of trial is likely to take a long time. Therefore, the petitioner be also granted concession of regular bail.

Learned State counsel as well as learned counsel appearing for the complainant have opposed the prayer made by learned counsel for the petitioner. They have submitted that seven injuries were found on the person of the complainant including on the forehead, nose, cheeks, neck, feet, abdomen and ears and as per the opinion of the Medical Board, the possibility of said injuries being burn injuries could not be ruled out. A plastic can having few drops of diesel were also recovered from the spot. The complainant does not belong to a higher strata of the Society and therefore, got treatment from a Chemist at first instance. It has further been submitted that it is not a simple case of causing injuries on account of routine wear and tear in the family. As per allegations, burn injuries have been caused by the petitioner as she was having illicit relations with the co-brother of the complainant. However, co-accused have been granted bail by the Court below keeping in view their role in the crime.

Heard.

The allegations levelled against the petitioner are quite serious, as per the evidence collected in the case. With the timely intervention of persons from the neighbourhood, the life of complainant could be saved as they put off the fire. If such an act is taken lightly, then our old-age family system cannot co-exist. The trial is yet to start. Statement of the complainant is not yet recorded. The co-accused were granted bail keeping in view the acts attributed to them. Since main allegations are against the petitioner only and she is none else but wife of the complainant, in such circumstances, I am of the view that the petitioner does not deserve the concession of regular bail, at this stage.

Dismissed.

However, nothing contained herein above shall be construed as an expression of opinion on the merits of the case.

April 12, 2023
monika

(GURBIR SINGH)
JUDGE

Whether speaking/reasoned ?	Yes/No.
Whether reportable ?	Yes/No.