

CRM-M-24538-2023 (O&M) and another 1
**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

SR. No.207

CRM-M-24538-2023 (O&M)
Date of decision:11.08.2023

Amarjeet Kaur
Versus
State of Punjab
...Petitioner
...Respondent(s)

CRM-M-56666-2022 (O&M)

Sandeep Kaur @ Sonia
Versus
State of Punjab and another
...Petitioner
...Respondents

CORAM: HON’BLE MR. JUSTICE N.S. SHEKHAWAT

Present: Mr. V.K.Sandhir, Advocate and
Mr. Vivek Salathia, Advocate for the petitioners.

Mr. M.S. Bajwa, DAG, Punjab
Mr. Bhawesh Aggarwal, Advocate for respondent No.2

N.S. SHEKHAWAT, J.

This order shall dispose of above-said two petitions as both these petitions have arisen out of same FIR.

Both the petitioners pray for grant of regular bail in FIR No.0047 dated 11.03.2022 registered under Sections 302 IPC (Section 120-B IPC and Sections 25/54/59 of the Arms Act added later on) at Police Station, Gate Hakima, District Police Commissionerate, Amritsar.

CRM-M-24538-2023 (O&M) and another

2

As per the case of the prosecution, the FIR, in the present case, was got registered by Kewal Chand by alleging that Sandeep Kaur alias Sonia (petitioner in CRM-M-56666-2022) had performed love marriage with Mukesh Kumar, his brother, and they were blessed with a son. There were temperamental differences between Sandeep Kaur alias Sonia and Mukesh Kumar (deceased) and as a consequence, Sandeep Kaur alias Sonia started living with her parents. At about 11.30 P.M. on 11.03.2022, Kewal Chand came to know that the dead body of his brother Mukesh Kumar was lying in the area of Mandi Bhagtanwala and some unknown persons had murdered him. Resultantly, an FIR was registered against the unknown persons. During the course of investigation, the police recorded the statement of Mukesh Kumar son of Shanti Parkash on 25.03.2022 to the effect that at about 8.00 P.M. on 10.03.2022, he had seen Mukesh Kumar, deceased, in the company of Manpreet Singh, Raja and Ladla, while they were going on Aactiva Scooter from Chowk Chatiwind to Chowk Bhagtanwala. Later on, Kewal Chand, complainant, had also made a supplementary statement on 25.03.2022, and got it recorded that Sandeep Kaur alias Sonia, the petitioner, was having differences with her husband Mukesh Kumar and by conspiring with her mother Amarjeet Kaur (the petitioner in CRM-M-24538-2023), her brother Manpreet Singh and Lalda had committed the murder of Mukesh Kumar.

Learned counsel for the petitioners contends that the petitioners have been falsely implicated in the present case only on the basis of suspicion. The FIR was registered on the basis of the statement made by Kewal Chand, brother of the deceased, on 11.03.2022 and he had not named

CRM-M-24538-2023 (O&M) and another
both the petitioners have been named in the present case as Mukesh Kumar, deceased, had performed marriage with Sandeep Kaur alias Sonia against the wishes of his family members. He further submits that both the petitioners were arrested in the present case on 25.03.2022 and are in custody for the last more than one year and four months. Still further, there was no legally admissible evidence against both the petitioner. Apart from that during the course of prosecution evidence, the prosecution examined PW.1, PW.2 Kewal Chand, complainant, PW.3 Mukesh Kumar son of Shanti Parkash and PW.4 Raman Kumar and all the four material witnesses did not support the case of the prosecution and the chances of the conviction of both the petitioners are bleak. Apart from that, out of total 28 witnesses, only four witnesses have been examined so far, consequently, the conclusion of the trial by the trial Court will take considerable time and their further detention would not serve any useful purpose.

On the other hand, the learned State counsel has vehemently opposed the prayer made by the learned counsel for the petitioners on the ground that both the petitioners had conspired with Manpreet Singh alias Raja, who is the son of Amarjit Kaur and brother of Sandeep Kaur alias Sonia and Manpreet Singh and Ladla had committed the murder of Mukesh Kumar. However, he admits that both the petitioners have been involved in the present case with aid of Section 120-B IPC.

I have heard the learned counsel for the parties and perused the case file minutely.

Status report filed by way of affidavit dated 11.08.2023 is taken on record.

CRM-M-24538-2023 (O&M) and another

4

It is apparent from the record that both the petitioners are in custody since 25.03.2022 i.e. more than one year and four months. Only four witnesses, out of 28 witnesses have been examined so far and all the four material witnesses have refused to support the case of the prosecution.

Without commenting on the merits of the case, both these petitions are allowed and the petitioners are ordered to be released on bail subject to their furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

Pending application, if any, is also disposed of.

(N.S. SHEKHAWAT)
JUDGE

10.08.2023
mks

Whether Speaking/Reasoned: YES / NO
Whether Reportable: YES / NO