

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

**CRM-M-31303-2023
Reserved On: 31.10.2023
Pronounced On: 06.11.2023**

Hardeep Kaur

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: - HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: - Mr. Davinder Bir Singh, Advocate
for the petitioner

Mr. M.S. Nagra, AAG, Punjab.

DEEPAK GUPTA, J. (ORAL)

The petitioner prays for grant of regular bail by way of this petition filed under Section 439 Cr.P.C in case FIR No.72 dated 16.05.2022 under Sections 302, 34 of the IPC (subsequently added Section 120-B of the IPC) registered at Police Station City Khanna, District Khanna.

2. FIR was lodged on the statement of Baldev Singh, as per which on 16.05.2022, he had gone to Khanna City, when at about 12:30 p.m. his wife Tejpal Kaur received telephonic call from the mobile phone of his son Ranjodh Singh. The caller informed that he had found the mobile, which can be taken from Jarg Chowk. On the said information provided by his wife, the complainant along with two friends of his son Ranjodh, namely Sukhwinder Singh son of Ram Dass; and Sukhwinder son of Bhola Singh reached at Jarg Chowk, where they made a call on the mobile of his son but the same was found switched off. On way to home, another call was received informing that Ranjodh was lying injured in the corn fields on the road leading from Rohno to

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Majri in serious condition. Complainant reached the spot, where his son Ranjodh was lying having received various injuries and who told the complainant that 4-5 unknown persons had beaten him. Ranjodh Singh was taken to Civil Hospital, Khanna, from where he was referred to Rajindra Hospital, Patiala, where he died during treatment.

3. During investigation, Randhir Singh, the brother of deceased made statement before the Investigating Officer, as per which he had come to know on enquiry at his level that Hardeep Kaur (petitioner) with her two sons Karanpreet Singh and Jashnpreet Singh along with other persons had killed his brother after hatching a conspiracy. Vipanjeet Singh @ Abhi was also found involved in the crime.

4. It is contended by learned counsel for the petitioner that petitioner is not named in the FIR; that mobile phone of deceased is shown to have been recovered from co-accused Karanpreet Singh; and that it is highly improbable that a person causing injuries will call from the mobile of the injured to inform the relatives of the injured/deceased and that this fact in itself falsifies the prosecution story. Learned counsel further contends that there is no eye-witness; that no recovery has been effected from the petitioner; that there is no incriminating material available on record to connect her with the crime; that challan has already been filed and trial is likely to take time and so, she be allowed bail.

5. Opposing the bail petition, learned State counsel disclosed that petitioner was arrested on 19.05.2022 after recording the statement of Randhir Singh, the brother of deceased and that in her disclosure statement, petitioner

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admitted the guilt and got recovered motorcycle and one mobile. Learned State counsel also submitted that call detail records were collected to show the link between the petitioner and the deceased.

6. Since the call detail records, as referred by learned State counsel, did not form part of the status report, therefore vide order dated 22.09.2023, this Court directed the respondent- State to file better particulars and answer the following queries: -

- (i) Whether the call detail records show the conversation between the petitioner and the deceased on 16.05.2022 or immediately prior thereto;
- (ii) Whether there is any last seen evidence;
- (iii) Whether there is any CCTV footage regarding the occurrence;
- (iv) What was the source of information of Randhir Singh, on which basis he came to know about the involvement of the petitioner and her two sons; and
- (v) What are the other incriminating circumstances, if any, against the petitioner?

7. In response to the above order, additional affidavit dated 31.10.2023 has been filed by Shri Rajesh Kumar, Deputy Superintendent of Police, Sub Division Khanna, District Ludhiana, as per which police authorities obtained the CDR's of the contact number of the petitioner and that of the deceased from 01.05.2022 to 16.05.2022 and as per the same, one phone call was received by deceased Ranjodh Singh from the petitioner on 15.05.2022 at 11:41 a.m. with duration of 69 seconds and that location of the contact number of deceased on 15.05.2022 from 11:41 a.m. onwards is of the village of the petitioner. It is further replied that neither there is any last seen evidence nor any CCTV footage regarding the occurrence. It is further stated that Randhir

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Singh had enquired the matter at his own level and came to know about the role of the petitioner and his sons in the murder of Ranjodh Singh. Police report further states that from the facts and circumstances, it emerged that petitioner had illicit relations with the deceased and the said fact was admitted by the petitioner in her extra-judicial confession made before Baldev Singh, Ex-Sarpanch of the village and that as the deceased was harassing the petitioner to have physical relations with him, so the accused had hatched conspiracy to commit murder of deceased. Police report further states that the presence of the illicit relations between the deceased and the petitioner acted to be the motive to commit murder.

8. Learned State counsel submits that considering the fact that location of the deceased on the date of crime is of the village of the petitioner, so there is sufficient evidence against her.

9. Replying to the aforesaid contentions, learned counsel for the petitioner has placed on record the copy of the testimony of PW-1 Randhir Singh (brother of deceased) and that of PW-2 Sukhwinder Singh (friend of deceased), made during trial, to contend that these testimonies demolish the prosecution case. Learned counsel contends that no role of the petitioner has emerged in the crime; that case is dependent upon circumstantial evidence and so, she be allowed bail.

10. I have considered submissions of both the sides and have perused the record.

11. As per FIR version, deceased Ranjodh Singh, prior to his death had told his father Baldev Singh i.e., complainant that he had been beaten by 4-5

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unknown persons. There is nothing in the FIR to the effect that deceased was called by the petitioner in her village or that petitioner with the help of her sons had beaten the Ranjodh Singh. In case, deceased was known to the petitioner on account of their inter-se illicit relationship, as is alleged by the prosecution, the deceased would have disclosed the name of the assailants to his father.

12. Further, as per FIR version, on getting information from his wife, complainant himself went to the spot, where his son Ranjodh Singh was lying in the injured condition. However, this version is falsified by the statement of PW1 Randhir Singh, as per which it is only the friends of Ranjodh i.e., Sukhwinder son of Ram Dass; and Sukhwinder son of Bhola Singh, who had gone to the spot and found Ranjodh in serious condition and had taken him to the hospital and that Ranjodh had told Sukhwinder Singh that he had been beaten by 4-5 persons, who used to fly pigeons. In his entire testimony PW-1 Randhir Singh has not disclosed about source of information regarding the involvement of the petitioner or her sons in the crime.

13. Prosecution case is further falsified by the testimony of PW-2 Sukhwinder Singh son of Ram Dass, as per which, on the telephonic information received by him on 15.05.2022 to the effect that Ranjodh Singh had received injuries due to accident and lying in the maize field, he along with Sukhwinder Singh son of Bhola had got the injured Ranjodh Singh admitted in the hospital. Thus, his statement further contradicts the prosecution case that Ranjodh was caused injuries by unknown assailants.

14. Having regard to all the aforesaid facts and circumstances, when the role of the petitioner is not at all clear; and the role as attributed to the

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petitioner regarding her illicit relationship with the deceased, appears to be highly doubtful, but without commenting anything further on the merits of the case, the petitioner who is a woman and is in custody ever since May, 2022 and also considering the fact that trial may take time to conclude, the present petition is allowed. Petitioner is admitted to bail on her furnishing bail bonds/surety bonds to the satisfaction of the Learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

It is made clear that Trial Court should not be influenced by any observations made by this Court in this order, while deciding the case on merits.

Novmember 06, 2023

Neetika Tuteja

(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No