

Date of Decision: 13.03.2023

1.

CRM-M-36961-2022

HARJINDER KAUR

... PETITIONER

V/S

STATE OF PUNJAB

... RESPONDENT

2.

CRM-M-1564-2023

BEANT SINGH

... PETITIONER

V/S

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. K.G.Chaudhary, Advocate for the petitioner in
CRM-M-36961-2022.
Mr. Tarundeep Kumar, Advocate for the petitioner in
CRM-M-1564-2023.
Mr. M.S.Nagra, AAG Punjab.
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VIVEK PURI, J. (ORAL)

The petitioners are seeking regular bail in case bearing FIR No. 244 dated 16.11.2019 under Sections 302/307/34 IPC and Section 25 of Arms Act (Section 120-B IPC and 27 of Arms Act added later on), registered at Police Station Sadar Khanna, Police District Khanna.

Custody certificates have been taken on record.

Learned counsel for the petitioners contend that as per the allegations Jasvir Singh and Jaggi had entered the house of the complainant, Jasvir Singh fired gunshots from the pistol on the forehead and mouth of the mother of the complainant, an alarm was raised which attracted Gurpreet Singh, neighbour and Jasvir Singh fired upon Gurpreet Singh also. Jasvir Singh was apprehended at the spot, whereas Jaggi managed to slip away.

Both the injured were shifted to hospital where mother of the complainant succumbed to the injuries. It has been submitted that the injuries have not been attributed to the petitioners and even they have not been named in the FIR. The petitioners have been nominated subsequently on the basis of the supplementary statement of the complainant which has been recorded 2 days after the registration of the FIR and as per the allegations, Harjinder Kaur had made extra judicial confession before Lakhvir Singh. The complainant and Lakhvir Singh have been examined in the trial Court. Lakhvir Singh has not supported the prosecution version. The allegations against the petitioners are to the effect that the son of Harjinder Kaur had committed suicide as he was being harassed by the deceased, who is the daughter-in-law of Harjinder Kaur. The petitioners had visited the house of the complainant after the death of her father and told them that they will take revenge from the mother of the complainant as the suicide was committed by the son of Harjinder Kaur, on being harassed by her.

It has been further submitted that the petitioners are in custody for a period of 3 years, 3 months and 21 days and are not involved in any other case.

Learned State counsel has opposed the bail application on the score that the petitioners are the perpetrators of the conspiracy and Jasvir Singh and Jaggi had committed the murder of Jasvir Kaur and inflicted firearm injuries on the person of Gurpreet Singh at their instance.

It is significant to note that the names of the petitioners do not find mention in the FIR and they have been nominated by the complainant

in a supplementary statement that has been recorded 2 days after the registration of the FIR. Allegedly, Harjinder Kaur had made extra judicial confession before Lakhvir Singh acknowledging her involvement and that of her brother-in-law Beant Singh in the commission of crime but significantly, Lakhvir Singh has not supported the prosecution version in the trial Court. The firearm injuries have not been attributed to the petitioners. The involvement of the petitioners in the commission of crime will remain a debatable and moot point during the course of trial. The petitioners are in custody for a period of more than 3 years and 3 months. The conclusion of trial is likely to take some more time and no fruitful purpose would be served by detaining the petitioners in further custody.

As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioners. Therefore, without making any expression of opinion on the merits of the case, it is ordered that the petitioners be released on regular bail subject to their furnishing fresh bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

The petitions are allowed.

13.03.2023

Janki

**(VIVEK PURI)
JUDGE**

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No