

CRM-M-34963-2023

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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Date of decision: 16.10.2023

Lakhveer Kaur alias Jasveer Kaur

....Petitioner

V/s

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Manvinder Sidhu, Advocate for the petitioner.

Mr. Karan Garg AAG Haryana.

ARUN MONGA, J. (Oral)

Following the denial of bail by learned trial court, the petitioner is now before this court seeking her release as an undertrial in a case with FIR No. 329 dated November 10, 2022, registered under Section 302 read with Section 34 of the Indian Penal Code, 1860 (for short 'IPC') at the Kalanwali, Police Station in Sirsa.

2. The FIR was lodged based on the statement of the complainant, Jagraj Singh. He stated that his daughter, Lovepreet Kaur (now deceased), was married to Manpreet Singh, the son of the petitioner, in the year 2014. Two daughters were born out of this wedlock, and because of this, the petitioner, who is the mother-in-law, and her husband, Manpreet Singh, used to taunt and harass Lovepreet Kaur, subjecting her to beatings. On the alleged day of the incident, which occurred on November 09, 2022, at noon, the complainant's daughter (since deceased) made a phone call to her mother, Sukhwinder Kaur, and informed her that she had been assaulted and beaten by her mother-in-law (the petitioner) and her husband because she had given birth to two daughters. After some time, Manpreet Singh, the son of the petitioner, made a phone call to the wife of the complainant, informing her that her daughter, Lovepreet Kaur, had committed

suicide by hanging herself. The complainant alleged that the petitioner and her son, Manpreet Singh, had murdered his daughter, Lovepreet Kaur. A formal FIR was registered based on this complaint. During the course of the investigation, on November 19, 2022, the petitioner was arrested and has remained in custody ever since.

3. To begin with, learned counsel for the petitioner contends that the petitioner had no role in the alleged incident. He further argues that during the investigation, co-accused Manpreet Singh made a disclosure statement, confessing that he had killed his wife due to suspicions about her character, and no one else is responsible for the same.

3.1. Furthermore, there is no evidence on record connecting the petitioner to the alleged murder of her own daughter-in-law. Moreover, there is no incriminating material that even remotely suggests that the petitioner conspired with the co-accused for the alleged murder or had any remote connection with the same.

3.2. The petitioner's counsel asserts that the petitioner is innocent and has not committed any offense. The FIR's version is fabricated, and the petitioner is not linked to the alleged offense. He further contends that there are two minor children, and there is no one to look after them. Moreover, the petitioner is an elderly woman and is suffering from various ailments. The petitioner is not involved in any other case.

3.3. The petitioner's counsel also contends that there is no need for further custodial interrogation, as nothing remains to be recovered from her. Furthermore, there is no indication that the petitioner would tamper with evidence or influence prosecution witnesses.

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3.4. It is also noted that the charge sheet has already been submitted, and the trial is expected to take a considerable amount of time. Consequently, it is argued that there would be no purpose served in keeping the petitioner in custody.

4. The learned State counsel, on instructions from SI Chandan Singh, opposes the petitioner's bail application, expressing concerns about the possibility of the petitioner fleeing from trial proceedings if granted bail. He submits that petitioner has committed serious offence and has played an active role in the incident. If enlarged on bail, there is everylikelihood that petitioner will evade trial proceedings. He, however, admits that petitioner is not involved in any other case.

5. I have heard the rival arguments and reviewed the case file.

6. Matter was heard on September 21, 2023, when following order was passed:

“On a Court query, as to whether viscera of the deceased was sent for forensic examination so as to match with the first version given by her husband, who was apprehended on the suspicion of having killed her after drugging her, learned State counsel seeks time.

At his request, adjourned to 16.10.2023.”

6.1 On resumed hearing today, learned State counsel submits that as per FSL report, no poison and/or any drug was found in the viscera of the deceased.

7. In response to a query from the Court, it transpires that the investigation against the petitioner has been completed, and charges were framed on March 21, 2023. At this stage, the allegations against the petitioner are subject to trial. Of the twenty four prosecution witnesses, none has been examined so far. The trial is anticipated to take some amount of time. Bail serves the purpose of allowing an accused to remain free until their guilt or innocence is determined. In contrast, the petitioner has been in detention since November 19, 2022, for more than 10½ months.

8. The petitioner's continued preventive custody is based on an unsubstantiated suspicion that she might tamper with evidence or influence witnesses.
9. Petitioneris stated to be 51-year old lady and is suffering from various age-related ailments. Having a fixed abode and clean antecedents, itis unlikely that she poses any flight risk and/or will flee from trial proceedings.
10. Considering the overall scenario, without commenting on merits of the case, the instant petition is allowed. I am of the view that no useful purpose would be served to keep petitioner in further preventive custody.
11. Accordingly, petitioner is ordered to be released on bail on her furnishing bail bonds and surety bonds to the satisfaction of learned trial Court, where her case is being tried and in case he/she is not available, before learned Duty Judge, as the case may be.
12. In case, petitioner is found involved or gets involved in any offence while on bail, the prosecution shall be at liberty to seek cancellation of her bail in the instant case.
13. It is made clear that any observations and/or submissions noted hereinabove shall not have any effect on merits the case as the same are for the limited purpose of bail hearing alone and learned trial Court shall proceed without being influenced with this order.
14. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

October 16, 2023
Ajay

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