

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.2141 of 2024
Date of decision: 26th February, 2024

Sukhjinder Kaur

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Sandeep Verma, Advocate for the petitioner.

Mr. Prabhdeep S. Bhandari, Asst. Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.118 dated 07.06.2021 under Sections 302, 177, 182, 34, 120-B of the IPC registered at Police Station Sadar Sri Muktsar Sahib, District Sri Muktsar Sahib.

2. Learned counsel for the petitioner, while drawing the attention of this Court to the allegations leveled in the FIR, which has been annexed as Annexure P-1, inter alia contends that the deceased left his house on the fateful day at about 8:00 p.m. and thereafter he was untraceable; subsequently, when the petitioner (mother of the deceased) along with her daughter-in-law (wife of the deceased) went searching for the deceased, his dead body was found lying in the fields of one Malkiat Singh. Learned counsel submits that while lodging the FIR in

question, mother of the deceased (i.e. the petitioner herein) had not even by way of a whisper raised any suspicion qua anyone, however, after three days of the alleged occurrence on the basis of an extra-judicial confession allegedly suffered by the petitioner before her brother in law Balkaran Singh, she was arrayed as an accused in the instant case.

3. Learned counsel submits that the petitioner had strained relations with her brother-in-law and hence, there could have been no occasions for her to go and confess to her involvement in the murder of her own son. Besides the extra-judicial confession made, there was no other evidence collected by the police to connect the petitioner with the crime in question. He has also submitted that the role attributed to the petitioner in the crime in question was of a conspirator along with her daughter co-accused Sumandeep Kaur; the deceased was allegedly averse to the relationship of his sister, co-accused Sumandeep Kaur, with co-accused Gagandeep Singh and one Ankush, which led to the deceased being eliminated. Learned counsel submits that after the petitioner was arrested on 09.06.2021, all the material witnesses including Balkaran Singh (witness of extra-judicial confession) had been examined, however, 21 prosecution witnesses still remained to be examined and hence, there was no likelihood of the trial concluding in the near future. Learned counsel further submits that all the co-accused had since been extended the concession of bail by this Court vide orders dated 05.10.2023 and 07.02.2024.

4. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions from ASI Hardeep Singh, has submitted that after the deceased went missing and his dead body was recovered, during investigation it came to light that there were strained relations between the deceased and his sister co-accused Sumandeep Kaur on account of her alleged illicit relations with co-accused Gagandeep Singh and Ankush, which was the reason behind his murder. It has also been submitted that Balkaran Singh, before whom the accused including the petitioner suffered their extra-judicial confession, had been examined and had supported the case of the prosecution. It has still further been submitted that the widow of the deceased, while stepping into the witness box as PW-3 had also supported the case of the prosecution with respect to the motive on the part of the accused to commit the crime in question. Learned State counsel has conceded, on instructions, that in the case in hand the sole material witness Balkaran Singh has been examined and other than the extra-judicial confession, there was no other material collected by the Investigating Agency to link the petitioner with the murder in question. He, on further instructions, submits that the next date of hearing fixed before the trial Court is 18.03.2024, when some more prosecution witnesses are likely to be examined.

5. I have heard learned counsel for the parties and perused the relevant material on record.

6. The petitioner has now been in custody since 09.06.2021 and there is no likelihood of the trial concluding in the near future as 20 witnesses cited by the prosecution still remain to be examined. In addition, all the material witnesses in the case in hand already stand examined, hence there can be no apprehension of the petitioner tampering with the evidence or trying to intimidate/influence the witnesses. As conceded by the learned State counsel, the petitioner is not involved in any other criminal case much less a case of similar nature. In the facts and circumstances, as enumerated hereinabove, this Court thus deems it fit to extend the concession of bail to the petitioner. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

February 26, 2024
rps

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