



CRM-M-5632-2023 and
CRM-M-43622-2022

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291 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

Date of decision: 29th July, 2024

1. CRM-M-5632-2023

Binder Kaur

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

2. CRM-M-43622-2022

Rajinder Singh @ Nikka Singh

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Manoj Tanwar, Advocate for the petitioner
in CRM-M-43622-2022 and
Mr. Manan Bhardwaj, Advocate for the petitioner
in CRM-M-5632-2023.

Mr. A.S. Samra, AAG, Punjab.

MANISHA BATRA, J (ORAL):-

This common order shall dispose of the aforementioned two petitions for grant of regular bail both arising out of FIR No. 299 dated 17.11.2021 registered under Sections 302, 201 and 120-B of IPC, 1860 at Police Station Sadar, Fazilka, Punjab.

2. Brief facts of the case relevant for the purpose of disposal of



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these petitions are that the aforementioned FIR was registered on the basis of statement recorded by the complainant Sukhwinder Singh on 17.12.2023 alleging therein that about 7-8 years back, his sister Parkash Kaur was married with the accused Makhan Singh who was posted in Boarder Security Forces (BSF). He alleged that two years after their marriage, quarrels used to take between Parkash Kaur and Makhan Singh and she was harassed by him and his other family members. She was even thrown out of her matrimonial house and stayed with him for about 1/1½ years. Thereafter with the intervention of Panchayat Biradari, a compromise was effected and his sister and accused Makhan Singh had started living together. From the last about 1/1½ year, they were living in a separate house built near the in-laws family of his sister at Dhani Rai Sikh. The accused Makhan Singh was posted at Chhatisgarh. He alleged that he had come home on leave about two months back and had left on 14.11.2021 after availing the same. In the evening of 16.11.2021, the victim Parkash Kaur had called the complainant through telephone and had informed him that her husband had not joined back his duty and an official letter had come from the department about this fact over which a quarrel had taken place between them and now her husband had switched off his phone. The complainant tried to make call to him but his phone could not be connected.

3. As per the further allegations, in the next morning, he received information that his sister had been strangulated to death by some unknown person. He raised suspicion that the accused Makhan Singh had a hand in her murder. After registration of FIR on the basis of his statement, initially, a



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case registered under Section 302 of IPC was registered. Investigation proceedings were initiated. On 18.11.2021, the complainant recorded his supplementary statement taking the names of the petitioners Binder Kaur and Rajinder Singh @ Nikka as percipitator of the crime. Offence under Section 34 of IPC was added. The accused Makhan Singh was arrested on 18.11.2021. He suffered disclosure statement admitting his involvement in the subject crime by disclosing that he wanted to get married with the petitioner Binder Kaur and in order to settle her at his house, he had hatched a conspiracy with petitioners Binder Kaur and her brother i.e. petitioner- Nikka Singh and in pursuance of that conspiracy, the victim had been killed by them on the night of 16.11.2021 with the help of a cycle chain and lock. The petitioners were also arrested. They also suffered disclosure statements admitting their involvement in the crime. It was disclosed that the iron wire with cycle lock which was used for strangulating the victim and the clothing worn by the petitioners were burnt by them to cause disappearance of evidence of their offence and therefore, offences under Section 201 read with Section 120-B of IPC were added. The burnt lock with iron wire and burnt clothing were recovered at the instance of the accused. Investigation has since been completed and the petitioners along with co-accused are facing trial for commission of aforementioned offences. They had moved applications for grant of bail which had been dismissed by the learned trial Court.



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3. It will be relevant to mention here that petitioners were ordered to be released on interim bail vide order dated 21.11.2023.

4. It is argued by learned counsel for the petitioners that they have been falsely implicated in this case. They remained in custody for a period of consecutively two years after the date of their arrest. The petitioners Binder Kaur and Rajinder Singh were not even named in the FIR and were nominated as accused subsequently. There is no direct evidence to the murder of the victim. Only two witnesses have been examined so far despite the fact that charges had been framed way back in the year 2022. They have not misused the concession of interim bail granted to them. No useful purpose would be served by keeping them in custody. Therefore, it is argued that they deserve to be given concession of regular bail.

5. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record carefully.

6. The petitioners in connivance with co-accused Makhan Singh are alleged to have hatched a conspiracy to eliminate the victim Parkash Kaur who was wife of the accused Makhan Singh in order to settle down the petitioner-Binder Kaur with whom accused Makhan Singh wanted to perform marriage and in pursuance of that conspiracy are alleged to have committed the murder of the victim on the night of 16.11.2021. The allegations against them are grave in nature. The material witnesses have already been examined. The fact that many of the prosecution witnesses are yet to be examined alone is not sufficient to extend benefit of regular bail to the



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petitioners. Furthermore, simply because they had been extended benefit of interim bail during the trial is also not a ground to release them on regular bail. Keeping in view the gravity of allegations as levelled against them, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case but without meaning to make any comment on the merits thereof, I am of the considered opinion that the petitions do not deserve to be allowed. Accordingly, the same are dismissed. The petitioners are directed to surrender within a period of one week from today.

- 7. A copy of this order be sent to the trial Court.
- 8. Since the main petitions have been dismissed, pending application, if any, is rendered infructuous.
- 9. Photocopy of this order be placed on the file of connected case.

**[MANISHA BATRA]
JUDGE**

29th July, 2024
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |