

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

250

CRM-M-11012-2024

Date of decision: 06.03.2024

Paramjit Kaur

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Vipin Mahajan, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab and
Mr. Iqbalpreet Singh, AAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.04 dated 17.01.2022 under Sections 302, 458, 460, 380, 201, 120-B of the IPC registered at Police Station Ghanie Ke Bangar, Police District Batala, District Gurdaspur.

2. Learned counsel for the petitioner contends that false implication of the petitioner in the murder of her father in law is evident from the fact that while stepping into the witness box all the material witnesses including the complainant as well as the witness of extra judicial confession, had not supported the case of the prosecution as a result of which they were all declared hostile. Learned counsel has further submitted that it is a case resting on circumstantial evidence and the FIR in question was registered against unknown persons wherein it had been alleged that the deceased was murdered with an intention to commit theft in his house, however, subsequently a new twist was

given on the basis of an extra judicial confession allegedly made by the petitioner wherein she confessed before Kuljinder Singh, Ex-Sarpanch that she had eliminated her father in law as he had been keeping an evil eye on her. It has also been submitted that identically placed co-accused Gulshan @ Gulshan Kumar, who too had conspired with the petitioner to commit the crime in question, had already been granted the concession of bail by this Court vide order dated 07.07.2023 (Annexure P-10).

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions from ASI Sukhwinder Singh, has not disputed that initially when the FIR in question was lodged by the son of the deceased, no suspicion much less by way of a whisper had been raised qua the involvement of the petitioner in the crime in question and it had been suspected by the complainant that the murder had taken place by some unknown persons with an intent to commit theft. Learned State counsel has submitted that after some time, the petitioner made an extra judicial confession before Ex-Sarpanch Kuljinder Singh confessing to her involvement in the crime in question. Learned State counsel, on instructions, has, however, conceded that all the material witnesses including the complainant and the witness of extra judicial confession i.e. Ex.-Sarpanch Kuljinder Singh, stand examined and since they did not support the case of the prosecution, they were declared hostile. It has been further submitted that 13 prosecution witnesses still remain to be examined and the next date fixed before the learned Trial Court is 27.03.2024 when some more witnesses are likely to be examined.

4. I have heard learned counsel for the parties and perused the material placed on record.

5. The case in hand rests on circumstantial evidence. The motive to commit the murder of the deceased was spelt out in the extra judicial confession made by petitioner Paramjit Kaur to Ex-Sarpanch Kuljinder Singh, who allegedly conspired with her paramour Kuldip Singh to eliminate him since he was keeping an evil eye on her, however, as not disputed the witness of extra judicial confession, did not support the case of the prosecution. All the material witnesses now stand examined. However, there is no likelihood of the trial concluding in the near future as 13 prosecution witnesses still remain to be examined. In the facts and circumstances as enumerated hereinabove, this Court thus, deems it fit to extend the concession of bail to the petitioner.

6. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on her furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. 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.

06.03.2024

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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