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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-18875-2024
Date of decision : 24.04.2024

Sukhjinder Kaur Petitioner

versus

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Bhavesh Aggarwal, Advocate
for the petitioner.

Mr. Mohit Kapoor, Sr. DAG, Punjab.

PANKAJ JAIN, J. (Oral)

1. Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.202 dated 10.10.2022, registered for the offence punishable under Section 304-B of IPC, 1860 (Sections 302 and 34 of IPC, 1860 added later on and Section 304-B of IPC, 1860 deleted subsequently) at Police Station City Jagraon, District Ludhiana.

2. As per the contents of the FIR, it has been alleged as under:-

“Statement of Kulwinder Kaur wife of Shikander Singh son of Mukhtiar Singh resident of Street No.01, Indra Colony Jagraon, Police Station City Jagraon, District Ludhiana, aged about 41 years, Mobile No.98776-27200. Stated that I am resident of above-mentioned address and I am sweeper in the Court Complex, Jagraon. I have 03 daughters. The elder daughter is namely Manpreet

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Kaur alias Pooja followed by Sukhpreet Kaur and Sukhwinder Kaur and a younger son is namely Gurpreet Singh. The marriage of my elder daughter Manpreet Kaur alias Pooja was solemnized on 10.12.2018 with Bachittar Singh alias Fateh Singh son of Charat Singh resident of Gagra, Police Station Sadar Jagraon, District Ludhiana. They have a son namely Jasmanveer Singh aged about 03 years. On 17.03.2020, Bachittar Singh alias Fateh had enticed away Sukhjinder Kaur daughter of Nirbhai Singh resident of Daudhar, District Moga and is residing at some unknown place. My daughter Manpreet Kaur alias Pooja was residing along with her child in a room in her in-laws house at Village Gagra. In the same house, Charat Singh, the father-in-law of Manpreet Kaur alias Pooja was residing in a separate room. Since the time Bachittar Singh has enticed away Sukhjinder Kaur, since that time, my daughter Manpreet Kaur alias Pooja was being harassed by her in-laws family, husband Bachittar Singh alias Fateh, Sukhwinder Kaur above, father-in-law Charat Singh, Nanad Sandeep Kaur alias Seepi, Mandeep Kaur alias Deepi and Rajji, Sukhjinder Kaur's father Nirbhai Singh son of Mukhtiar Singh, Karamjeet Kaur wife of Nirbhai Singh residents of Daudhar District Moga at present residents of Dangian, District Ludhiana, to throw her out of the house from Village Gagra. Bachittar Singh alias Fateh, the husband of my daughter Manpreet Kaur alias Pooja, had sent a letter through post to me and my daughter Manpreet Kaur alias Pooja thereby extending life threats by mentioning therein that call your daughter to you and marry her somewhere

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else. On 04.10.2022, I came to know that Jasmanveer, the son of my daughter Manpreet Kaur alias Pooja, is wandering in the street while crying. We made a phone call on M.No.91156-94166 of my daughter Manpreet Kaur alias Pooja but the same was found switched off. Then we reached Village Gagra and after informing the Village Panchayat, brought my grandson Jasmanveer Singh at Jagraon and kept on searching our daughter Manpreet Kaur alias Pooja. Today I came to know that today an unidentified dead body had been found to the police on the link road leading from village Aligarh to Malak, which has been kept at Civil Hospital, Jagraon for identification. Then I sent Chamkaur Singh son of Hari Singh resident of Chungi No.05 Jagraon and Gurwinder Singh son of Jaspal Singh resident of Maddoke, District Moga to Civil Hospital, Jagraon, who identified the dead body and informed me that this dead body is of my daughter Manpreet Kaur alias Pooja. I have suspicion that my daughter Manpreet Kaur alias Pooja has been murdered by her in-laws family, the girl Sukhjinder Kaur and her family in connivance with each other or got killed from someone. The cause of enmity is that Bachittar Singh alias Fateh husband of my daughter Manpreet Kaur alias Pooja, Sukhjinder Kaur, father-in-law Charat Singh, Nanads Sandeep Kaur alias Seepi, Mandeep Kaur alias Deepi and Rajji, Nirbhai Singh, Karamjeet Kaur were wanting forcibly to get my daughter Manpreet Kaur divorced and were wanting to get the house vacated from her. I along with my brother Boota Singh son of Gurdeep Singh resident of Rania District Moga was going to Police Station City Jagroan to infom.

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You meet us here. I got recorded my statement to you, read over, heard, understood, which is correct. Take legal action against all the above.”

3. Counsel for the petitioner submits that it is evident from the contents of the FIR itself that the same is based upon merely suspicion. No role has been attributed to the petitioner. Even the cause of death of the deceased could not be ascertained from the post mortem report or from viscera. The petitioner has been nominated for the reason that she was alleged to be in illicit relationship with the husband of the deceased.
4. Petitioner has undergone actual custody of more than 01 year, 06 months and 06 days and has no criminal antecedents. State counsel is not in a position to deny the aforesaid facts.
5. Keeping in view the fact that the incarceration already suffered by the petitioner and has clean antecedents, the present petition is allowed. Petitioner is ordered to be released on regular bail on her furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.
6. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

24.04.2024
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No