



(296) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-14862-2024 (O & M)
Date of Decision: 24.07.2024

Prabhjot Kaur

... Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Sarbjit Singh Grewal, Advocate, for the petitioner.

Mr. Malkiat Singh, DAG, Punjab.

Mr. Ritesh Aggarwal, Advocate,
for the complainant.

JASJIT SINGH BEDI, J.

The prayer in this petition under Section 439 Cr.P.C. is for the grant of regular bail in case bearing FIR No.0001 dated 07.01.2023 under Sections 302, 34 IPC registered at Police Station Bhadson, District Patiala.

2. The present FIR came to be registered at the instance of Resham Singh and reads as under:-

“Statement Resham Singh son of Mukhtiar Singh resident of village Rano, Tehsil Nabha, District Patiala. Age about 43 years Mobile No.:- 95920-10047 against Prabhjot Kaur wife Jasvir Singh resident of village Ranno, Police Station Bhadson, District Patiala, Kuldeep Singh alias Rinku son of Harwinder Singh, Pradeep Kumar alias Dulla son of Ram Das and Buta son of Pandu resident of village Jhambali Sani, Police Station Bhadson, District Patiala through Senior C Mandeep Singh 227/ come to the Police Station and his statement as he stated that I



am a resident of the above address and do agricultural work. We are two brothers. I am elder and Jasvir Singh, younger than me, aged about 38 years old, who used to work at Kartar Combine Bhadson. My brother Jasvir Singh was married to Prabhjot Kaur, daughter of Sukhpal Singh, a resident of Sangrur in 2011. He has two children, the elder daughter, Ravleen Kaur, is about 9 years old and a younger boy Pratham Singh aged about 6 years. On 02/01/2023, my brother Jasvir Singh on his motorcycle number PB-65-AG-2257 make Bajaj CT-100 color black/red but my mother Jaswant Kaur no one from home. He had asked to go to Sirhind for an important work, but my brother did not come back that day, for which we all waited till late at night. Then the next day, I and my other family members searched a lot for my brother Jasvir Singh, but we did not get any clue about my brother Jasvir Singh. A missing report of my brother Jasvir Singh was also lodged at Bhadson police station on 04/01/2023. About which we were looking for on our own. My brother Jasvir Singh's wife Prabhjot Kaur had an illicit relationship with Kuldeep Singh alias Rinku son of Harwinder Singh, resident of village Jhambali Sani Tehsil Nabha District Patiala. Kuldeep Singh alias Rinku alias my sister-in-law Prabhjot Kaur's brother Inderjit Singh alias Sunny lived at Dubai. On the pretext of which he used to come to the house to meet my sister-in-law Prabhjot Kaur. My brother Jasvir Singh used to stop him from doing so. If Kuldeep Singh alias Rinku and my sister-in-law Prabhjot Kaur did not stop doing such a thing, then Kuldeep Singh and my sister-in-law Prabhjot Kaur considering my brother Jasvir Singh as a hindrance in their love, Kuldeep Singh alias Rinku with their companions Pradeep Kumar alias Dulla son of Ram Das and Buta, son of Pandu, resident of village Jhambali Sani, killed my brother Jasvir Singh above said and dumped the body of my brother Jasvir Singh along with his motorcycle number above



said somewhere. I am now fully convinced that Kuldeep Singh alias Rinku, Pradeep Kumar alias Dulla and Buta above said have murdered my brother Jasvir Singh with the consent of my sister-in-law Prabhjot Kaur. In this regard, Raghvir Singh, former Sarpanch son of Gurcharan Singh, a resident of village Rano, along with me, were coming to the police station to give a report you met us at Dharkhdi Chowk Badhson you have recorded my statement in front of former Sarpanch Raghveer Singh. Heard Read ok. Please take action. Sd/- Resham Singh”.

2. Kuldeep Singh @ Rinku was arrested and disclosed that he alongwith Jagpal Singh @ Buta and Pardeep Kumar @ Dula had committed the offence in question on account of illicit relations that he had with the present petitioner, the wife of the deceased.

Pardeep Kumar @ Dula was arrested and the motorcycle of Jasvir Singh was recovered. Kuldeep Singh @ Rinku got recovered his mobile phone and the weapon used in the commission of the offence i.e. an iron *datar* stained with blood.

From the place of occurrence, the finger print expert obtained chance prints from the liquor bottle which were sent for finger print analysis and as per the report of the FSL, the finger prints of accused Kuldeep Singh @ Rinku, Pardeep Kumar @ Dula and Buta matched with the chance prints.

The petitioner was apprehended and admitted to have committed the offence in connivance with the co-accused. She made an extra judicial confession before one Randhir Singh.

3. The learned counsel for the petitioner contends that other than the confessional statements of the accused including the petitioner in police



custody and the extra judicial confession allegedly made by the petitioner before one Randhir Singh, there was absolutely no evidence available against the petitioner. As regards the confessional statements, they were inadmissible in evidence and Randhir Singh has been examined as PW-1 and had not supported the prosecution case regarding the petitioner having made any extra judicial confession before him. Since the petitioner was a first-time offender, in custody from 09.01.2023 and only 01 out of the 27 prosecution witnesses had been examined so far, the Trial of the present case was not likely to be concluded anytime soon. Therefore, she was entitled to the concession of bail.

4. The learned counsel for the State, on the other hand, has filed a reply dated 22.04.2024 which is taken on record. While referring to the said reply, he alongwith the learned counsel for the complainant contend that the petitioner was in a relationship with Kuldeep Singh @ Rinku because of which her husband had been murdered. As the motive lay with the petitioner, she was not entitled to the concession of bail. They, however, concede that Randhir Singh (PW-1) before whom the extra judicial confession was made had not supported the prosecution case and was declared hostile. They also concede that the petitioner was a first-time offender, in custody since 09.01.2023 and only 01 out of the 27 prosecution witnesses had been examined so far.

5. I have heard the learned counsel for the parties.

6. Admittedly, Randhir Singh (PW-1) before whom the petitioner made an extra judicial confession has not supported the prosecution case.



Whether the remaining evidence is sufficient to establish the guilt of the petitioner shall be adjudicated upon during the course of the Trial. The petitioner is a first-time offender and in custody since 09.01.2023 but only 01 out of the 27 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. In this situation, the further incarceration of the petitioner is not required.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Prabhjot Kaur is ordered to be released on bail subject to her furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

July 24, 2024
sukhpreet

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No