

In the High Court for the States of Punjab and Haryana  
At Chandigarh

I)CRM-M-15571-2024 (O&M)

Sapinder Singh... Petitioner

Versus

State of Punjab...Respondent

II)CRM-M-26183-2024 (O&M)

Jaswinder Kaur @ Rubbi... Petitioner

Versus

State of Punjab... Respondent

Date of Decision:-21.11.2024

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Karnail Singh Ahhi, Advocate for the petitioner(s).

Mr. Prabhdeep Singh Dhaliwal, AAG, Punjab.

Mr. Bhupinder Gupta, Advocate for the complainant.

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| FIR No. | Dated      | Police Station                                    | Section/s                       |
|---------|------------|---------------------------------------------------|---------------------------------|
| 50      | 15.11.2023 | Kheri Naudh<br>Singh, District<br>Fatehgarh Sahib | 304 and 34 of Indian Penal Code |

GURVINDER SINGH GILL, J. (Oral)

1.
- This order shall dispose of the above mentioned two petitions filed on behalf of petitioners Sapinder Singh & Jaswinder Kaur @ Rubbi seeking grant of regular bail in respect of abovementioned FIR.



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2. The FIR was lodged at the instance of Karamjit Singh, wherein it is alleged that his 'Tayi' (aunt) Prem Kaur had been murdered by Balwant Singh, Narinder Kaur, Jaswinder Kaur @ Ruby, Sapinder Singh and Harjit Singh. It is alleged that complainant's 'Taya' Bant Singh @ Balwant Singh i.e. husband of the deceased had expired on 6.3.2016 and thereafter his 'Tayi' (Prem Kaur {deceased}) had been residing with his uncle's son Nirmal Singh. It is further stated therein that deceased Prem Kaur was having some residential as well as agricultural property. It is alleged that the accused conspired with each other and started visiting Prem Kaur and on 3.12.2022 took along Prem Kaur. It is alleged that Jaswinder Kaur was niece of deceased while Sapinder Singh is husband of said Jaswinder Kaur. It is further stated therein that Jaswinder Kaur proclaimed that Prem Kaur was having high blood pressure and that she (Jaswinder Kaur) being a professional nurse used to inject medicines. It is further alleged that the accused used to give intoxicating tablets to Prem Kaur and on account of which she became an addict and the said intoxicants had various adverse effects on her health. It is further alleged that the accused forged WILL dated 5.6.2023 purported to have been executed by Prem Kaur in their favour and ultimately on account of administering a heavy dose of intoxicants Prem Kaur died on 6.7.2023. The complainant alleged that upon coming to know about the same when they reached Village Singh, Tehsil and District Ropar, they could not find the dead-body of Prem Kaur and the accused were not giving any satisfactory reply, but ultimately when the dead-body of Prem Kaur was shown to them, they noticed that there was blood in the mouth and nose and that thereafter she was cremated. The complainant further alleged therein that



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after the cremation, when they returned back to their home, his brother Harmandeep Singh received a call from Jaswinder Kaur @ Ruby (petitioner in CRM-M-26183-2024) and when he attended the call, he heard Jaswinder Kaur conversing with other members of her family and it appeared that the phone call had been made accidentally by Jaswinder Kaur and that upon hearing the conversation they came to know that Prem Kaur had been made an addict by accused and had been murdered by them. The said conversion was also recorded by the complainant. It is further alleged therein that the accused had withdrawn an amount of about Rs.26.50 lakhs from the bank account of deceased Prem Kaur during the period 30.3.2023 to 24.5.2023 though as a matter of fact the deceased was hardly spending anything on herself.

3. Learned counsel for the petitioners submitted that it is a case where the deceased Prem Kaur died a natural death being aged about 84 years. It has further been submitted that there is no post-mortem report in the present case as the dead-body was not subjected to post mortem examination and admittedly the complainant was also present at the time of cremation. Learned counsel further submitted that although the allegations are broadly to the effect that it was on account of greed that the deceased had been murdered and that a WILL had been got executed from Prem Kaur, but the said WILL in question is a properly registered WILL and it cannot be said that the deceased had been forced in any manner in executing the said WILL.
4. Learned counsel for the petitioners further submitted that even the allegations pertaining to the telephonic conversation are all cooked-up allegations and although the said conversation is stated to have got compared with the



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specimen voice samples of the petitioners, but while the voice sample of petitioner – Jaswinder Kaur is stated to have matched but that of petitioner-Sapinder Singh is not matched and that, in any case, it will be a matter of trial as to whether any reliance can be placed on such report.

5. Opposing the petitions, learned State counsel assisted by learned counsel for the complainant submitted that the petitioners are specifically named in the FIR and the very fact that they are beneficiaries of the WILL, their complicity is clearly evident. It has further been pointed out that the mere fact that huge amount of about Rs.26.50 lakhs was withdrawn within a period of barely 2 months after death of deceased Prem Kaur itself goes to show that the intention of the petitioners was simply to grab the money and property of the deceased and they had been successful in the same.
6. Learned counsel representing the complainant produced certain photographs stated to have been collected from the CCTV camera installed in the bank premises, which shows that petitioner - Jaswinder Kaur is sitting in the bank premises. It has been submitted that although the police has not collected such evidence, but the very presence of the petitioner in the bank itself shows that she had withdrawn the amount from the bank account of the deceased.
7. This Court has considered the rival submissions addressed before this Court.
8. It is certainly correct that both the petitioners are specifically named in the FIR and happen to be beneficiaries of the WILL of the deceased. However, this Court cannot overlook the fact that it is a case where the cause of death of Prem Kaur, who was aged about 84 years, could not be ascertained as the dead-body was not subjected to post-mortem examination. The WILL in



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question is also stated to be a subject matter of the civil suit. It will be a matter of evidence as to whether the WILL in question had been forged by the accused or not. In any case, the petitioners have been behind bars for about 1 year and are not involved in any other case. Although charges are stated to be framed, but none out of the cited 22 PWs has been examined so far. Under these circumstances, it goes without saying that conclusion of trial is likely to consume time. As such, further detention of the petitioners will not be justified. Both the petitions, as such, are accepted and the petitioners are ordered to be released on regular bail on their furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

9. A copy of this order be placed on the file of connected case.

21.11.2024  
pankaj

( Gurvinder Singh Gill )  
Judge

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| Whether speaking /reasoned | Yes / No |
| Whether Reportable         | Yes / No |