



219 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-28735-2024
Date of decision: 1st July, 2024

Suman Kumari
...Petitioner(s)
Versus
State of Punjab
...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Jasraj Singh, Advocate for the petitioner.
Mr. A.S. Samra, AAG, Punjb.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 439 of Cr.P.C.
seeking regular bail in the FIR mentioned below:-

FIR No.	Date	Police Station	Sections
196	25.12.2022	Mukerian, District Hoshiarpur	324, 452 and 34 of IPC, 1860 (Sections 302 amd 120-B of IPC added later on)

2. Brief facts of the case relevant for the purpose of disposal of the present petition are that the aforementioned FIR was initially registered under Sections 324, 452 and 34 of IPC on the basis of statement recorded by the complainant Jagmohan Singh on 25.12.2022 alleging therein that on the intervening night of 24/25.12.2022, while he was sleeping in his house, he heard some noises coming from house of his uncle Vidhi Chand and on hearing the same, he rushed out of his house and saw two muffled faced



youths aged about 25-30 years, while coming out of the gate of house of his uncle. They were armed with sword and a handle of hand pump respectively. They rushed towards the street and ran away on a black coloured motorcycle parked therein. The complainant rushed towards the house of his uncle and found him lying in an injured condition. Som Raj (son of the victim) also reached there. The victim was immediately rushed to hospital. He succumbed to his injuries on 27.12.2022. Post mortem examination of dead body and inquest proceedings were conducted. Offence under Section 302 of IPC was added.

As per the allegations, on 28.12.2022, Som Raj recorded a supplementary statement alleging therein that on the fateful night, his nephew Vishva Minhas along with 2-3 persons had caused injuries to his father and were seen at the place of occurrence. They had run away on seeing him. He also alleged that the present petitioner who is mother of accused Vishva Minhas was having a dispute over land with his father. Offence under Section 120-B of IPC was added. The petitioner was arrested on 28.12.2022. The co-accused Vijay Kumar and Manish Kumar @ Mangu were also arrested on 30.12.2022. All of them suffered disclosure statement admitting their involvement in the subject crime. After completion of necessary investigation and usual formalities, challan under Section 173 of Cr.P.C. was presented against the petitioner and co-accused Vijay Kumar and Manish Kumar @ Mangu. Accused Vishva Minhas was arrested subsequently and then supplementary challan was presented against him.

The petitioner had filed three applications for grant of bail before the learned



trial Court which have been dismissed.

3. The present petition has been filed by the petitioner on the grounds and it is argued by her counsel that she has been falsely implicated in this case. She was not named in the FIR. Neither her presence at the time of committing the murder of the victim had been alleged nor proved. The complainant had not implicated her in the commission of the subject offences. Even PW-2 Som Raj son of the victim has turned hostile and has not supported the prosecution version. It is further submitted that she is in custody since 28.12.2022. The trial is likely to take time. No useful purpose would be served by keeping her in custody anymore. Therefore, it is argued that the petition deserves to be allowed.

4. *Per contra*, learned State counsel has argued that there are serious allegations against the petitioner of hatching conspiracy with the co-accused to eliminate the victim who was her father-in-law and with whom she was having dispute over land. During the course of investigation, call detail record of accused had been collected sby the investigating agency which proved that the accused Vishva Minhas i.e. son of the petitioner was present at the place of occurrence and there was exchange of 15-16 telephonic calls between the petitioner and him at that relevant time. The testimony of PW-2 does not show that he did not implicate the petitioner. Rather in his examination-in-chief, he specifically stated that the incident took place at the instance of present petitioner and the fact that he had exonerated the co-accused Vishva Minhas did not prove that the petitioner was not connected with the crime. He further argued that there is nothing on



record to suggest that there would be any undue delay in conclusion of the trial and hence urged that the petition does not deserve to be allowed.

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 petitioner has placed on record Annexure P-6 which is copy of sworn deposition made by complainant Jagmohan Singh supporting the allegations in the FIR that two muffled face persons were seen leaving the house of the victim on the fateful night after the occurrence. Annexure P-7 is copy of sworn deposition of PW-2 Som Raj son of the victim. In his examination-in-chief, this witness is shown to have stated that the incident had happened at the instance of petitioner as his father had transferred some property in the name of the sons of the petitioner but thereafter they had stopped looking after him and started harassing him and the petitioner had also raised boundary wall over that property. It is revealed that during cross-examination, he stated that he had not got recorded any statement that the petitioner had conspired with her son Vishva Minhas and other persons and had murdered his father by causing injuries to them but at the same time, during cross-examination by counsel for the petitioner he is shown to have stated that he had got recorded that the murder of his father was got done by the petitioner. The trial is still going on. The case is based upon circumstantial evidence also which includes the call detail record of the petitioner and her son and which is yet to be produced. The petitioner might not be individually present at the time of the murder of the victim but as per



the allegation, she had hatched conspiracy with the co-accused of the victim who was none else than her father-in-law. Keeping in view the gravity of the allegations as levelled against her, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, I am of the opinion that the petition does not deserve to be allowed. Hence, the same is dismissed.

7. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

8. Since the main petition has been dismissed, pending application if any is rendered infructuous.

[MANISHA BATRA]
JUDGE

1st July, 2024
Parveen Sharma

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