

Ranjit Kaur @ RenuPetitioner

Versus

State of PunjabRespondent

2) CRM-M-50675-2022
Sukhdas Mashih @ SukhaPetitioner

Versus

State of PunjabRespondent

3) CRM-M-54264-2022

Manjit KaurPetitioner

Versus

State of PunjabRespondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Prateek Pandit, Advocate for Mr. Barjinder Singh, Advocate for the petitioners (in CRM-M-30514-2023 and CRM-M-54264-2022).

Mr. Tejinderbir Singh, Advocate
for the petitioner (in CRM-M-50675-2022).

Mr. Subhash Godara, Addl.A.G., Punjab.

HARPREET SINGH BRAR, J. (ORAL)

All the above mentioned three petitions have arisen out of the same

FIR, therefore, all are being heard together and decided vide common order,

CRM-M-30514-2023

-2-

however, the facts are borrowed from CRM-M-30514-2023.

The present petitions have been filed under Section 439 Cr.P.C. seeking regular bail in case bearing FIR No.84 dated 14.04.2022 under Sections 306/34 of IPC (offences under Sections 307/302/120-B of IPC deleted) registered at Police Station City, Kapurthala District Kapurthala (Annexure P-1).

The present FIR was registered on the statement of Kajal wife of Ravi Gill to the effect that for the last three years, Renu, Manjit Kaur, Soma wife of Sonu, Manpreet wife of Jassa Singh, Raman, Narinder Singh, Jassa, Jatinder Shera, Sukha, Thakar Dass, Manoj Nahar and Bhatti Pardhan, in connivance with each other, forced her to have sexual relationship with unknown persons and then they used to blackmail them and extorting money after making their video. It is further alleged that whenever she tried to stop them to do so, they always maltreated her. On 14.04.2022 at about 04:00 P.M., her husband, Ravi Gill, was coming to Kapurthala, who was followed by a Tata Tiago bearing No.6289, wherein, Ranjit Kaur Renu, Jatinder Shera and Sukha along with one other unknown lady were present. They all tried to waylaid her husband, on whose body, kerosene oil was poured, but he succeeded to run away from the spot. Ultimately, said Ranjit Kaur Renu, Jatinder Shera, Sukha and Manjit Kaur put her husband on fire in her very presence and ran away from the spot. However, with a great difficulty, she extinguished the fire with the help of public and got her husband admitted in a hospital.

Learned counsel for the petitioners, namely, Ranjit Kaur @ Renu and Manjit Kaur, *inter alia* submits that initially the FIR was registered against

CRM-M-30514-2023

-3-

11 persons and the allegations as per the prosecution version were against Jatinder @ Shera, Sukhdas Mashih @ Sukha (petitioner), Ranjit Kaur @ Renu (petitioner) for setting the husband of the complainant on fire. On 14.04.2022, the FIR was lodged under Section 307 of IPC. The husband of the complainant succumbed to the burn injuries and died on 17.04.2022. After his death, offence under Section 302 of IPC was added. During the investigation, the Investigating Agency procured the CCTV footage of the occurrence and found that none of the accused was present rather the deceased has committed suicide by pouring kerosene oil on himself. On the basis of the CCTV footage, the offence under Section 302 of IPC was deleted and offence under Section 306 of IPC was added.

Learned counsel for the petitioner, namely, Sukhdas Mashih @ Sukha *inter alia* contends that the Investigating Agency has concluded the investigation and filed the final report against the petitioners under Section 306 of IPC and material witnesses have been examined. The complainant, namely, Kajal and the alleged eyewitness, namely, Komal, has not supported the case of the prosecution and both have been declared hostile by the learned Public Prosecutor.

Per contra, the learned State counsel opposed the prayer made by the petitioners on the ground that there is sufficient material on record to indicate that the accused/petitioners had compelled the deceased to commit suicide and as such, they do not deserve the concession of regular bail.

A two Judge Bench of Hon'ble Supreme Court in '*Satender Kumar Antil v. CBI*' (2022) 10 SCC 51, with respect to prevailing conditions

CRM-M-30514-2023

-4-

of undertrial prisoner in India has observed:

“6. Jails in India are flooded with undertrial prisoners. The statistics placed before us would indicate that more than 2/3rd of the inmates of the prisons constitute undertrial prisoners. Of this category of prisoners, majority may not even be required to be arrested despite registration of a cognizable offence, being charged with offences punishable for seven years or less. They are not only poor and illiterate but also would include women. Thus, there is a culture of offence being inherited by many of them. As observed by this Court, it certainly exhibits the mindset, a vestige of colonial India, on the part of the investigating agency, notwithstanding the fact arrest is a draconian measure resulting in curtailment of liberty, and thus to be used sparingly. In a democracy, there can never be an impression that it is a police State as both are conceptually opposite to each other.”

Having heard learned counsel for the parties and perusing the record of the case, it transpires that the petitioners are behind the bars since 18.04.2023 and the trial of the case has not made much progress as only 05 out of 35 prosecution witnesses have been examined so far. As such, the trial of the case has not even reached halfway mark. The culpability, if any, would be determined at the time of trial. No useful purpose shall be served by further detention of the accused/petitioners. Keeping the petitioners in further detention without the prospect of the trial being concluded in the near future, would be violative of their rights under Article 21 of the Constitution of India.

CRM-M-30514-2023

-5-

Keeping in view the facts and circumstances of the case and the fact that the petitioners are not involved in any other case and the likelihood of trial being prolonged, the present petitions are allowed. Thus, without commenting upon the merits of the case lest it may prejudice the outcome of the trial, the petitioners, namely, Ranjit Kaur @ Renu, Sukhdas Mashih @ Sukha and Manjit Kaur are ordered to be released on regular bail during trial on their furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court/Duty Magistrate.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.

(HARPREET SINGH BRAR)
JUDGE

12.01.2024
Neha

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