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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-30953-2024(O&M)****Date of Decision: 07.08.2024**

Manpreet Singh @ Mani

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat**Present :** Mr. Sunny K. Singla, Advocate
for the petitioner.

Mr.M.S.Bajwa, Deputy Advocate General, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail in case FIR No.72 dated 29.05.2022 registered under Sections 302, 34 of IPC, at Police Station Sadar Ahmedgarh, District Malerkotla.

2. As per case of the prosecution, the FIR was registered on the basis of the statement made by Bikar Singh son of Sant Ram. As per him, the marriage of his sister Sheela Kaur was solemnized with Harbans Singh in the year 1975. The marriage of Shiv Ram son of Sheela Kaur was solemnized with Mandeep Kaur in the year 2009. They had two children, namely, Navdeep Kumar, aged about 13 years and Pavneet Singh, aged about 7 years and were studying in government school. Mandeep Kaur was having a dispute with Sheela Kaur and Mandeep Kaur used to beat up her. At about 7.30 p.m. on



28.05.2022, the complainant came to know that his sister Sheela Kaur had expired and he found that there were marks of injury upon her neck, face and left hand. He stated that his sister Sheela Kaur had been murdered by her daughter-in-law Mandeep Kaur and legal action may be taken against her. With these broad allegations, the FIR was got registered by the complainant in the present case.

3. Learned counsel for the petitioner contends that the allegations in the present FIR have been mainly levelled against Mandeep Kaur and the petitioner was not named in the FIR. Learned counsel further contends that during the course of investigation, Mandeep Kaur is alleged to have made a disclosure statement and she had named the petitioner as one of the co-accused. Learned counsel further submits that except the disclosure statement suffered by the co-accused, there is no other legally admissible evidence against the present petitioner. Learned counsel has further referred to the post-mortem report of Sheela Kaur, since deceased (Annexure P-3) and contended that there are no injuries on the legs of Sheela Kaur, deceased. Thus, the prosecution has wrongly alleged that the petitioner had caught hold of the legs of the victim, while the injuries were caused by Mandeep Kaur. He further contends that the prosecution has examined PW-1 Bikkar Singh, PW-2 Shiv Ram and PW-3 Dr. Vatika Kapoor and from their testimonies, it is apparent that the petitioner had no role to play in the commission of the crime in the present case. Learned counsel further contends that the petitioner was arrested in the present case on 30.05.2022 and is in custody for the last more than 02 years and 02 months. As per learned counsel, 7 prosecution witnesses, out of total 18 witnesses, have



been examined so far and the conclusion of the trial would not take place in near future. He further contends that his case is clearly distinguishable from the case of Mandeep Kaur, who has been named in the FIR and specific attribution has been made against her.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that serious allegations have been levelled against the present petitioner and he does not deserve the concession of bail by this Court. However, learned State counsel admits that there is no other criminal case against the present petitioner and the only role attributed to the present petitioner is that he had caught hold of the legs of Sheela Kaur, deceased, while she was killed by Mandeep Kaur, her daughter-in-law.

5. I have heard the learned counsel for the parties and perused the record.

6. As per the case set up by the prosecution, the petitioner had caught hold of the legs of Sheela Kaur, deceased, while Mandeep Kaur had killed her mother-in-law Sheela Kaur. However, from the perusal of post-mortem Report (Annexure P-3), it is evident that there are no injuries on the legs of the deceased and she had suffered injuries on her neck, face and forearms.

7. Thus, without commenting any further on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned, subject to the following conditions:-



- (i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.
- (ii) The petitioner shall remain present before the Court on the dates fixed for hearing of the case.
- (iii) The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.
- (iv) The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.
- (v) The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.
- (vi) In case, the petitioner involves in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.

07.08.2024.
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(N.S.SHEKHAWAT)
JUDGE

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