



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

207

CRM-M-31254-2024
Date of decision : 23.07.2024

Nirmal Kaur Petitioner

versus

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. P.S. Ahluwalia, Advocate
for the petitioner.

Mr. Solomon Partap Singh, AAG, Punjab.

PANKAJ JAIN, J. (Oral)

1. Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.05 dated 17.01.2022, registered for the offences punishable under Sections 302 and 201 of IPC at Police Station Urban Estate, District Patiala.

2. FIR was registered on the information supplied by Balwinder Kaur-daughter of the deceased who alleged as under:-

“Stated that I am resident of the above mentioned address and do household work. We are four sister brother. The eldest is our brother Rajinder Singh, younger to him is me, younger to me is my sister Manjit Kaur and the youngest is our sister Kuldeep Kaur. We all four brother sisters are married. My father Darshan Singh had died around 35 years back. My mother Surjit Kaur, age around 70 years, had been living in my parental house along with our brother Rajinder Singh's family in H.No.



512, Gali No. 5-A, Mohalla Tafzalpura, Patiala. Today, at around 12-30 PM, I was present in my house when we had got information on phone that my mother Surjit Kaur's blood-soaked dead body is lying in my parental house in my brother Rajinder Singh's house. On getting information I along with my husband Gurpal Singh had reached my parental house where we had seen that my mother Surjit Kaur's blood-soaked dead body inside the bed room built in the house and there was a lot of blood lying in the adjoining bedroom also. My mother's dead body was dragged from one room to the other room. There are blood stains on the floor in both the rooms in the house with regard to dragging. Today only my bharjai Nirmal Kaur was present in the house, who also, as usual, had gone to Gurdwara Sri Dukhniwaran Sahib, Patiala, for doing sewa and my mother was alone in the house. Some unknown person/(s) have killed my mother Surjit Kaur. Leaving behind my mother Surjit Kaur's dead body in the house, I along with my husband Gurpal Singh was coming to give information when you had met along with police party. I have got written my statement to you in the presence of my husband Gurpal Singh. I have heard it and found it to be correct.xxx”

3. After 03 days of the registration of FIR i.e. on 20.01.2022, husband of the complainant i.e. son-in-law of the deceased suffered a statement to the effect that the petitioner-the daughter-in-law confessed her guilt before him. Statement of Gurpal Singh recorded by the prosecution disclosing the extra judicial confession made by the petitioner reads as under:-



“I am presently working as ASI is the Punjab Police and posted at Pariala. On 13-1-2022 I was present at my house at about 12/12:30 PM. My wife Balwinder Kaur received a telephone that in the house of my mother-in-law blood is lying spread and mother-in-law has been murdered. On receipt of the telephone I and my wife Balwinder Kaur reached the house of my mother-in-law at Tafazalpura. In the house we find the blood submerged dead body of my mother-in-law Surjit Kaur. We informed the police but police was not coming, I and my wife started for meeting the police. The police party met me us on the culvert of DCW colony and we brought them to the house of my mother-in-law. Thereafter DSP and SP has also come at the spot. Thereafter police team to see the scene of the crime. Thereafter we got recorded our statement. I identify signature of my wife on Es. PW-1/P1 at point Mark A and my signature at point Mark B. Thereafter we went at home. I and my brother-in-law (Sandu Sunil Kumar) took the dead body of my mother-in-law Surjit Kaur to the Rajindera Hospital, Patiala. After leaving the body in the Rajindera Hospital, we came to our home. After collecting the ashes on 20-1-2022 when we were at home, then my sister-in-law (Salihar Nirmal Kaur) told me that she has committed the murder by mistake again said the murder was committed due to ongoing quarrel between us. On that day my brother-in-law Rajinder Singh was also present and they told to get them presented before the police During that period when I enquired about the murder then Nirmal Kaur told that when the quarrel hitted up she struck head of Surjit Kaur on the bed on 17-1-2022. When bleeding started then she dragger



her to another room and hit on her head with the help of Thapi and killed her. Thereafter Nirmal Kaur came to me and I produced her before the police.”

4. After the arrest of the petitioner, she is alleged to have suffered disclosure which led to recovery of thapi from the adjoining wall of the bathroom in the house.

5. Counsel for the petitioner submits that it is a case of circumstantial evidence. Apart from the alleged extra judicial confession claimed to have been suffered by the petitioner and the alleged recovery of thapi, there is no incriminating evidence against the petitioner. So far as recovery of thapi is concerned, the same has been effected from the bathroom in the house and the same cannot be said to be specifically within the knowledge of the petitioner only and thus it is highly debatable as to whether Section 27 would be attracted. Further submits that the petitioner is behind bars since 20.01.2022. Material witnesses including the complainant as well as Gurpal Singh before whom the petitioner is alleged to have confessed the crime stands examined. Further refers to the injuries found on the person of the deceased as proved by PW-4 Dr. Deepak Kumar which read as under:-

“Stated that on 18.1.2022, I was posted in the Department of Forensic, Medicines and Toxicology, Government Medical College, Rajindra Hospital, Patiala and police moved an application regarding conducting of postmortem on the dead body of Surjit Kaur and I made endorsement Ex. PW4/P1 regarding formation of Board of Doctors including myself and Dr. Preetinder Singh. We medico legally examined the dead-body found the following injuries on her person:-



1. Incised wound of size 7cm x 1cm below right eye, regular clean margins. On dissection underlying zygoma bone found fractured with clotted blood present at fracture Margins.
2. Two puncture lacerated wound, oval in shape, of size 0.2cm x 0.2cm on right side of forehead, bone deep, clotted blood present.
3. Lacerated wound of size 9cm x 2cm on front of forehead and head, bone deep, on dissection underlying right frontal, right parietotemporal bone found fractured with clotted blood present at fracture margins.
4. Incised looking lacerated wound size of 12cm x 2cm on left parietal region, going back of head, underlying bone fractured and brain matter visible externally, beveling present, on dissection, brain matter coming out with meningeal bleeding and intracranial hemorrhage present, about 300cc of clotted blood fluid present at base of skull.
5. Incised wound of size 6cm x 0.3cm, on right parietal region bone deep, clotted blood present at fracture margins.
6. Incised wound of size 8cm x 1cm below chin on left side of neck, with brush burns of size 2.5cm above and 1.5cm below the wound On dissection underlying blood vessels, muscles, nerves found to be torned.
7. Two brush burn of size 4cm x 2cm and 5cm x 1cm present on right side of neck, 2cm apart to each other.
8. Brush Burn of size 6cm 2 1cm on upper most aspect of chest on right side.”

6. Counsel submits that even if the alleged extra judicial confession is taken on its face value, the same is not corroborated by the



injuries found on the person of the deceased and the same cannot be caused by the alleged weapon-thapi recovered from the petitioner.

7. State counsel is not in a position to dispute the aforesaid facts. However, submits that there are serious allegations against the petitioner of having murdered her own mother-in-law and the weapon i.e. thapi already stands recovered at the instance of the petitioner. Thus, there being incriminating evidence in form of self recovery, the petitioner does not deserve bail.

8. Having heard rival contentions, keeping in view the incarceration suffered by the petitioner and the fact that it being a case of circumstantial evidence, prosecution needs to complete the chain to drive home guilt of the petitioner and that the material witnesses already stand examined, the present petition is allowed. Petitioner is ordered to be released on regular bail on her furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

9. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

23.07.2024
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No