



CRM-M-32380-2024

[1]

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

[238]

CRM-M-32380-2024

Date of decision: 15.07.2024

Simran @ Seema

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Vikas Arora, Advocate for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. Present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.43 dated 06.03.2020 for offence punishable under Section 302, 201, 365 and 120-B IPC, 1860, registered at Police Station Sirhali, District Tarn Taran.

2. Learned counsel for the petitioner submits that a perusal of the FIR, which has been annexed as *Annexure P-1*, leaves no manner of doubt that totally vogue allegations have been levelled against the petitioner that she had connived with the co-accused and, thereafter, abducted the daughter of the complainant, namely, *Kulwinder Kaur* (hereinafter referred to as '*the deceased*') along with her son-Jugraj Singh and then thrown her into the river. Learned counsel has further submitted that the FIR in question was completely silent as to what motive could the petitioner have to murder the deceased. Rather the complainant had stated in the FIR that the deceased had been abducted

08 months prior to the registration of the FIR in question and he had



been frantically searching for his daughter and grandson; he had come to know from his sources that on the night of 1st of March, 2020, all the accused including the petitioner had thrown the dead body of the deceased in the river.

3. It has also been argued by the learned counsel that in a case which hinges on circumstantial evidence, motive plays a vital role to commit a crime, however, the same is clearly amiss in the present case qua the petitioner. It has still further been submitted that it is also a matter of record that the dead body of the deceased has not been recovered till date. Learned counsel has submitted that after the petitioner was arrested on 07.03.2020, the trial had not yet concluded as 08 prosecution witnesses still remained to be examined, though all the material witnesses including the complainant had been since examined.

4. Learned counsel for the petitioner has thus submitted that in the aforementioned circumstances, further incarceration of the petitioner would serve no useful purpose, as there is no likelihood of the trial concluding in the near future.

5. *Per contra*, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions from ASI Gajjan Singh, has not disputed that the contents of the FIR wherein the complainant had not spelt out any motive qua the petitioner to commit the crime in question; it has also not been disputed that the FIR in question came to be registered after almost 09 months of the deceased going missing; admittedly, no missing report qua the deceased was also filed by the complainant. However, it has



been submitted by the learned State counsel that during investigation, it came to light that the accused including the petitioner were trying to push the deceased into the flesh trade, however, since the deceased refused to buckle under their pressure, she was abducted and done to death.

6. On a further query put to the learned State counsel as to whether other evidence in the shape of any witness of last seen etc. had come to the fore during investigation, he, on instructions, has replied in the negative. Learned State counsel, on further instructions from the official concerned, has not disputed that all the material witnesses including the complainant stand examined before the trial Court.

7. I have heard learned counsel for the parties and perused the relevant material placed on record.

8. It would be apposite to reproduce the FIR, which has been annexed as *Annexure P-1*, and reads as under:-

“Statement of Savinder Singh S/o Hajara Singh S/o Hakam Singh resident of Naushehra Pannuan, Patti Madhoki, Police Station Sirhali, aged about 60 years, Mobile No.88727-46761, stated that I alongwith my family is residing on rent at old house of Charanjeet Sharma resident of Naushehra Pannuan. I have 4 children. Eldest daughter is Kulwinder Kaur, aged about 28 years and is married to Baldev Singh S/o Sukhdev Singh resident of Dabbar Ajnala from 9/10 years, who have three children. About 1^{1/4} years ago, due to some dispute of my daughter namely Kulwinder Kaur with her husband, she started residing at our house with her son namely Jugraj Singh, aged about 6 years. That Simran @ Seem W/o Sandeep Singh resident of Ghuman alongwith Baljeet Singh @ Romy S/o Gurmej Singh resident of Harike were residing in the adjacent



room of our house where Amandeep Singh S/o Gujjar Singh and Harjit Singh @ Bittu S/o Joginder Singh resident of Harike usually come there. That Simran @ Seema became friend with my daughter Kulwinder Kaur and later on made her friendship with Amandeep Singh. About 8 months ago, all the abovesaid inconnivance with each other abducted my daughter Kulwinder Kaur and her son namely Jugraj Singh. That earlier we have been talking about this many times in Panchayat. I have been searching for my daughter and my grandson till now. Today my neighbour namely Satnam Singh S/o Kashmir Singh resident of Naushehra Pannuan came and told me that Baljit Singh @ Romy resident of Harike came to him and told him that on the night of 01.03.2020, he alongwith Simran @ Seema, Amandeep Sigh and Harjit Singh @ Bittu inconnivance with each other have killed Kulwinder Kaur and have thrown her dead body in the river of Harike. Regarding this, I alongwith my brother-in-law namely Tara Singh resident of Naushehra Pannuan was coming to police station to intimate and you have met us. Statement has been recorded. Legal action be taken. LTI/-Savinder Singh.”

9. The petitioner has been in custody since 07.03.2020; all the material witnesses including the complainant stand examined. The instant case is based on circumstantial evidence and prima facie no clear motive to commit the crime is forthcoming against the petitioner, on a perusal of the FIR in question. The possibility of the trial concluding in the near future seems unlikely. Hence, further incarceration of the petitioner in the present circumstances would serve no purpose.

10. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

11. Accordingly, the instant petition is allowed. The petitioner



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12. Needless to add, in case the petitioner misuses the concession of bail granted to her, the State would be at liberty to seek cancellation of the same.

JUDGE

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