



CRM-M-36417-2023 (O & M)

::1::

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
(215)

CRM-M-36417-2023 (O & M)

Date of decision:23.05.2024

Amandeep Kaur

..... Petitioner

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. B.S. Jatana, Advocate, for the petitioner.

Mr. Harkanwar Jeet Singh, AAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)**CRM-23028-2024**

The application for placing on record the photo copies of testimonies of PW-2 and PW-3 (Annexures P-7 and P-8), is allowed as prayed for subject to all just exceptions. The same are taken on record.

CRM-M-36417-2023

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail to the petitioner in case FIR No.0072 dated 21.09.2022 under Sections 302, 120-B IPC and Section 201 IPC (Added later on) registered at Police Station Sadar Budhlada, District Mansa.

2. The present FIR came to be registered at the instance of of Ruksana and reads as under:-

"Copy of statement, statement of Ruksana wife of Binder Khan son of Minda Khan, Resident of Ward no.9 Borawal, Police Station Bhikhi, District Mansa, aged about 40 years, Mobile no.94786-21486, stated that I am resident of above said address and doing labour work. "I am doing labour work. Since about 21 years I am married with Binder Khan son of Minda Khan



CRM-M-36417-2023 (O & M)

::2::

resident of Borawal. I have two children, elder son is Rehman Khan @ Arman Khan aged about 20 years and younger to him is daughter Shehnaz aged about 18 years. Yesterday on 20.09.2022, my son Rehman Khan went to village Fafre Bhai Ke on fair on his motorcycle, who returned back home in the evening at about 6:15/06:30 and after some time a phone call has been received on the mobile phone of my son Rehman Khan then I have asked my son Rehman Khan that who is making the call then my son Rehman Khan told me that he has received call of Jiwan Singh son of Boota of our village who is calling me for some urgent work and I am going to him. Then I kept waiting for my son Rehman Khan for a sufficient time who did not return back home. Then I alongwith my brother-in-law (Jeth) Pawan Khan son of Minda Khan resident of Borawal and my husband Binder Khan and other relatives made search for my son Rehman Khan but we did not find him. Phone no.77104-02412 was running with my son which was switched off and we have also inquired at the house of Jiwan Singh who was also not at home. Then we came back and stayed at our home. Today on 21.09.2022, I alongwith my brother-in-law Pawan Khan son of Minda Khan resident of Borawal and my husband Binder Khan started searching for our son Rehman Khan and while searching, now we reached near the field of Gurcharan Singh son of Lal Singh resident of Gurne Kalan at the side of village Gurne Kalan from the bank of drain bridge then we found dead body of my son Rehman Khan stained with blood near dug of tubewell near motor room, then we saw dead body of my son and there are injuries on his neck, left wrist, backside of head, palm of right hand and at the left shoulder with sharp edged weapons. There are rumours in the village regarding illicit relations of Jiwan Singh with Amandeep Kaur wife of Krishan Singh resident of Borawal because Jiwan Singh usually remained in the contact of Amandeep Kaur and Jiwan Singh and Balkaran Singh were good friends who used to remain



CRM-M-36417-2023 (O & M)

::3::

together and Jiwan Singh and Amandeep Kaur also knew that Rehman Khan had love affair with Sumandeep Kaur daughter of Krishan Singh resident of Borawal. Some days ago Amandeep Kaur wife of Krishan Singh resident of Borawal came to our house and made a complaint to us saying that to make understand your son otherwise bad results will come out. I have firm belief that Amandeep Kaur wife of Krishan Singh resident of Borawal under a preplanned conspiracy got my son Rehman Khan murdered from Jiwan Singh son of Boota Singh, Balkaran Singh son of Gurpreet Singh residents of Borawal by inflicting injuries to him with sharp edged weapons. I left my husband Binder Khan and Dilshad Ali son of my brother-in-law with the dead body and was coming with my brother-in-law Pawan Khan and other relatives to police station for giving information, you met at bus stand village Gurne Kalan. Legal action be taken against Jiwan Singh son of Boota Singh, Balkaran Singh son of Gurpreet Singh and Amandeep Kaur, residents of Borewal. Statement got recorded to you, heard, the same is correct. Sd/- Ruksana”.

3. After the registration of the FIR, on 22.09.2022, Jivan Singh and Amandeep Kaur (petitioner) were arrested while they were travelling on a motorcycle bearing Registration No.PB-50-6342. Their respective mobile phones were taken into police possession. Jivan Singh got recovered an iron knife purportedly used to inflict injuries on the person of the deceased. He also got recovered a mobile phone of Krishan Singh which was to be placed near the dead body of the deceased so as to implicate him (Krishan Singh), husband of Amandeep Kaur (petitioner) in the murder of Rehman Khan.

Balkaran Singh was found to be a juvenile and was sent to the Child Observation Home, Faridkot.

**CRM-M-36417-2023 (O & M)**

::4::

4. The learned counsel for the petitioner contends that the petitioner has been falsely implicated on the basis of suspicion. There was absolutely no evidence to suggest that the daughter of the petitioner was in a relationship with the deceased or that the petitioner herself was in relationship with Jivan Singh. However, taking the allegations to be correct, the petitioner would be liable for having been a part of the conspiracy under Section 120-B IPC. As she was a first-time offender, in custody since 22.09.2022 but only 06 of the 23 prosecution witnesses had been examined so far, the Trial of the present case was not likely to be concluded anytime soon and therefore, she was entitled to the concession of bail.

5. The learned counsel for the State, on the other hand, while referring to the reply dated 18.10.2023 contends that the petitioner was in a relationship with Jivan Singh. Her daughter was in a relationship with the deceased. It was the petitioner who got her paramour to commit the murder of the deceased. In view of the nature of the allegations levelled against her, she was not entitled to the concession of bail. He, however, concedes that the petitioner was a first-time offender, in custody since 22.09.2022 and that only 06 out of the 23 prosecution witnesses had been examined so far.

6. I have heard the learned counsel for the parties.

7. The evidence available against the petitioner and her co-accused shall be evaluated during the course of the Trial. Admittedly, the petitioner is a first-time offender, in custody since 22.09.2022 but only 06 out of the 23 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. In this situation, the further incarceration of the petitioner is not required.



CRM-M-36417-2023 (O & M)

::5::

8. Thus, without commenting upon the merits of the case, the present petition is allowed and the petitioner, namely, Amandeep Kaur is ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

9. The present petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

May 23, 2024
sukhpreet

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