



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

215**CRM-M-35690-2024****Date of decision: 13.11.2024****DALBIR KAUR**

...Petitioner

V/s

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. L M Gulati, Advocate, for the petitioner.

Mr. Navdeep Singh, DAG, Punjab

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 483 of the Bhartiya Nagrik Suraksha Sanhita, 2023 in case FIR No.42 dated 02.05.2023 under Section 302 read with Section 34 of the IPC registered at Police Station Rajasansi, District Amritsar.

2. Learned counsel for the petitioner submits that the case of the prosecution hinges on circumstantial evidence; the petitioner was neither named as a suspect in the FIR in question nor was it alleged that the petitioner had any motive to commit the murder of Salemi (sister of the complainant). In support, learned counsel has drawn the attention of this Court to the FIR which stands annexed as Annexure P1. It has been argued by the learned counsel that the son of the petitioner, co-accused Arshdeep Singh, was stated to be having an affair with the deceased and since the complainant party was dissuading the deceased from continuing with her relationship with co-accused Arshdeep Singh, it was co-accused Arshdeep



Singh, who had allegedly carried out the crime in question; further two days later, in a supplementary statement recorded by the complainant, it was vaguely claimed that the murder in question had been committed by co accused Arshdeep Singh after conniving with the petitioner. Learned counsel has still further argued that subsequently an extrajudicial confession was also stated to have been made by co-accused Arshdeep Singh, before one Aman Lal, (shopkeeper of the village), to the effect that the deceased had been done to death by him and the petitioner after being assaulted and thrown into a canal. Learned counsel has asserted that the said extrajudicial confession recorded by co accused Arshdeep Singh cannot be read against the petitioner and holds very weak evidentiary value. Learned counsel has further submitted that the entire case of the prosecution qua the petitioner is riddled with gaping holes coupled with the fact that no cogent evidence has been collected by the petitioner, other than the alleged extrajudicial confession made by co-accused Arshdeep Singh, to connect the petitioner with the crime in question. It has also been submitted by the learned counsel for the petitioner that since the investigation in the present case stands completed and charges also stand framed, further incarceration of the petitioner, who has no previous criminal antecedents, would serve no useful purpose as there is no likelihood of the trial concluding in the near future. A prayer has, therefore, been made for extending concession of bail to the petitioner.

4. Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel opposite, on instructions, has not



disputed that the petitioner, who is a 69 years old woman, has been in custody since 20th November 2023; the stage of trial has also not been disputed by the learned State counsel, and it has been further submitted that the next date fixed before the trial Court is 2nd December, 2024, when some more witnesses out of the 13 cited by the prosecution are to be examined. Learned State counsel, however, has reiterated the allegations levelled in the FIR which stand reproduced here in under:

“Statement of David Singh son of Kuldeep Singh resident of Guntala Colony Loharka Road Amritsar. Aged about 24 years. Mobile No.75087-98927. Stated that I am a resident of the said address and working in Axis Mutual Fund. My father died in the year 2005. We are three brothers and sisters, the eldest me and my younger sister Salemi age 20 years and her younger brother namely Saleem. My younger sister works at Dental Clinic Loharka Road. Arshdeep Singh alias Rahul son of Teg Singh who is living in our street and above Arshdeep and my sister had a love affair with each other, which we stopped. Yesterday on 01-05-2023 my sister went to the dental clinic at about 09:15 AM. When she did not come home by 10 PM, we got worried because she used to come home till night at 8.30 every day and I started searching for her along with Lallu son of my uncle. Today we recognize that Car No. UP16-FT-4591 which belongs to above Arshdeep Singh is standing at Canal (Sua) near village Jagdev Kalan. After hearing this, I and Lallu son of my uncle came to village Jagdev Kalan then one car is standing in a helpless condition at Jagdev Kalan Canal to Guru Ke Bagh Road. Then I saw that the dead body of my sister Salemi is covered with blood. She had a wound on her neck and sharp wounds on her neck. I am sure that Arshdeep Singh alias Rahul has been killed my sister Salemi and dumped in the Canal, because his car is also on the road, blood is splattered on the car. Mobile Number of my sister is 76964-52142. You have reached the spot after getting the information. I have written my statement to you. Please take



action. Sd/- David Singh above said. Sd/- Ramandeep Kaur SHO Police Station Raja Sansi dated 02.05.2023. xxx”

It has been further conceded by the learned State counsel, on instructions, that the role of the petitioner in the crime in question came to the fore only in the extrajudicial confession made by her son, co-accused Arshdeep Singh, who claimed that the crime in question had been executed and given effect to, by all the accused including the petitioner.

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

5. The petitioner was neither named in the FIR in question nor any suspicion raised qua her involvement in the alleged murder. As not disputed by the learned State counsel it was in the extrajudicial confession of Arshdeep Singh made before a village Shop Keeper that the petitioner came to be nominated as an accused in the present case. It has also not been disputed by the learned State counsel, on instructions, that no recovery of weapon of offence has been affected from the petitioner.

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

7. Accordingly, the instant petition is allowed and the petitioner be admitted to bail on her furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

8. 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.

(MANJARI NEHRU KAUL)
JUDGE

November 13, 2024
poonam

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