

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-37413-2023
Reserved on: 18.04.2024
Pronounced on: 20.04.2024
2024:PHHC: 053148

SUKHWINDER KAUR

.... PETITIONER

Vs.

STATE OF PUNJAB

.... RESPONDENT

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr. Ishan Gupta, Advocate, for the petitioner.

Mr. Sahil R. Bakshi, AAG, Punjab.

DEEPAK GUPTA, J.

By way of this petition filed under Section 439 CrPC, petitioner prays for his release on regular bail in case FIR No.0141 dated 18.07.2022 registered under Section 302/34 IPC [offence under Section 201 IPC added later on] at Police Station City-2, Mansa, District Mansa.

2. Status report by way of affidavit of Shri Murad Jasvir Singh Gill, PPS, Deputy Superintendent of Police, Sub Division Mansa, District Mansa filed on behalf of the respondent-State has already been received.

3.1 As per prosecution version, on 18.07.2022, complainant-Tarsem Singh son of Nachattar Singh got recorded his statement in Police Station City-2, Mansa, as per which Sukhcharan Singh (deceased) s/o Sohan Singh was his friend. Said Sukhcharan Singh was posted as Jail Warder at Mansa and had his house was located on the backside of Court on a 33 feet road. They used to have regular conversations. For the last 3-4 days, as Sukhcharan Singh did not contact the complainant, he went to his house and found the house to be locked. As Sukhcharan Singh (deceased) used bring milk from

one Mohinder Singh, complainant contracted him and asked about the whereabouts of the deceased, but he too told that deceased had not contacted him for the last 3-4 days. It was further stated that on 07.07.2022, he (complainant) was with Sukhcharan Singh at his house, when deceased's wife Sukhwinder Kaur (petitioner) and his son Gurvishaldeep Singh @ Vishu came and started beating Sukhcharan Singh. They had a fight and then both the mother & son went back. Complainant stated further that he was told by Sukhcharan Singh that they (his wife and son) wanted to kill him because of the stained relations with the deceased and that they wanted to take possession of his house. FIR was lodged as complainant suspected that wife and son of the deceased had murdered him.

3.2 During investigation, SI Baldev Singh, the IO along with police party came to the house of Sukhcharan Singh. House was found locked with no one present there. On next day i.e. 19.07.2022, search of the house of Sukhcharan Singh was conducted in the presence of complainant-Tarsem Singh and Mohinder Singh, after breaking open the lock of the main gate. Blood stains and other physical evidence were found there. The same was collected. On the same day i.e. 19.07.2022, petitioner as well as co-accused Gurvishaldeep Singh @ Vishu, were arrested.

3.3 On interrogation, Gurvishaldeep Singh @ Vishu suffered disclosure statement, as per which his father used to suspect the character of his mother; that though the house constructed at Mansa was in the name of his mother, but his father i.e. deceased did not allow him or his mother to enter the house, on account of which they used to have disputes with him and that both of them planned to kill his father Sukhcharan Singh. Few days back, he and his mother had gone to house of Sukhcharan Singh, but at that time he

was present with his friend and so, they returned back. Later on, both of them came to the house of his father. Sukhwinder Kaur (petitioner) caught hold of him by arms and he (Gurvishaldeep Singh @ Vishu) inflicted blows of baseball bat on the head of his father. His father died. In order to dispose of the dead body, they took the body on the roof and by putting cloths and wood lying in the house over the dead body, they set it on fire by pouring petrol over it. However, body was not burnt completely and so, on the next day after wrapping the body with a blanket and a *palli*, they put the body in a jeep and threw the same in the canal near village Bhaini Bagha. He disclosed that he could demarcate that place. Similar disclosure statement was suffered by petitioner-Sukhwinder Kaur.

3.4 On the demarcation of the two accused, rough site plan of the place from where dead-body was thrown in the canal nearby Bhaini Bagha, was prepared and on 19.07.2022 itself, dead body of Sukhcharan Singh was recovered from the canal near village Kotli Kalan.

3.5 Postmortem examination was got conducted, as per which cause of death was head injury as described, which is ante-mortem and the same was sufficient to cause death in ordinary course of nature. Section 201 IPC was also added.

3.6 The baseball bat, as used by Gurvishaldeep Singh @ Vishu, in the crime was got recovered. Physical evidences, collected during investigation, were sent to FSL for necessary analysis. After completion of investigation, final report under Section 173 CrPC was presented in the Court.

4. It is contended by Id. counsel for the petitioner that petitioner has been falsely implicated on the basis of statement of Tarsem Singh; that there is no direct evidence to connect the petitioner with the murder of

Sukhcharan Singh, as the entire case is based upon the disclosure statement, allegedly suffered by the petitioner under Section 27 of the Evidence Act, which is not admissible in evidence, apart from the alleged recovery. It is contended that statement of the complainant Tarsem Singh has already been recorded during trial. Ld. counsel also contends that there was no motive as the house in question is already in the name of petitioner as per the Municipal records. Investigation is complete and trial is likely to take long time and so, petitioner be granted regular bail.

5. Ld. State counsel ably supported by counsel for the complainant strongly opposed the bail petition by pointing out towards the gravity of offence and that sufficient circumstantial evidence has been collected during investigation, which connects the petitioner as well as co-accused to the crime. Prayer is made for dismissal of the petitioner.

6. I have considered submission of both the sides and have appraised the record.

7. Concededly, the case is dependent upon circumstantial evidence. It is on the basis of disclosure statements of the petitioner and co-accused that dead body was recovered from the canal. Before throwing the said dead body in the canal, petitioner and co-accused, after killing Sukhcharan Singh had tried to burn the dead body on the roof of the house. After recovery of the body at the instance of the petitioner and co-accused, the postmortem was got conducted. The Postmortem report annexed with the status report, would reveal that the body had thermal burn injuries all over the body except some parts thereof. The skin was charred at places and hairs were signed. The condition of body at the time of postmortem examination thus corroborates the version given by the petitioner and co-accused in their disclosure

statements.

8. As far as motive is concerned, though house in question is stated to be in the name of the petitioner, but it is clearly alleged in the FIR that Sukhcharan Singh (deceased) was living therein and was not allowing the petitioner and co-accused to reside in that house.

9. Having regard to the gravity of offence and all the facts and circumstances as noted above, but without commenting anything further on merits of the case, this Court is not inclined to grant benefit of regular bail to the petitioner and as such, the present petition is hereby dismissed.

Pending application(s), if any, also stand disposed of.

20.04.2024

Vivek

(DEEPAK GUPTA)
JUDGE

<i>Whether speaking/reasoned?</i>	<i>Yes</i>
<i>Whether reportable?</i>	<i>No</i>