

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.38677 of 2024
Reserved on: 08.11.2024
Pronounced on: 19.11.2024

Veerpal Kaur ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Sanjiv Kumar Aggarwal, Advocate and
Mr. Nisim Aggarwal, Advocate
for the petitioner.

Mr. Viney Phogat, DAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
298	26.08.2023	Kalanwali, District Sirsa	302 IPC

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.
2. In paragraph 20 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

"1. That brief facts of the case are that case FIR No.298, dated 26.08.2023, under sections 302 IPC, PS Kalanwali, District Sirsa/Annexure P-1 was registered on the statement of complainant Veerpal Kaur wife of Kewal Singh, resident of Pipli, District Sirsa, age 60 years (present petitioner/accused) against unknown. The contents of FIR are reproduced as under:

"Stated that I am resident of abovesaid address and do the labour work. I have one daughter and two sons. My eldest daughter is Reena Rani, younger to her my son Sewak Singh and youngest is Vakil. All the three children are married. My son Sewak Singh labourer and Vakil Singh is in Army. Yesterday, on 25.08.2023. the evening time at about 03:00 PM, my husband Kewal Singh, who used to run school Van at Odhan, came to house by leaving the children. In the evening at about 07:00 PM, I and my husband Kewal Singh after taking the meal, I slept in room/baithak build near gate and my husband slept outside in courtyard separately. My son

Sewak Singh had gone to Bathinda for work. In the night at about 03:00 Hrs, I heard noise of iron gate, I saw while awakening that main gate is lying opened. None was seen, then I went to the house of my neighbour Mada Singh son of Darbar Singh and called Mada Singh. Mada Singh and his wife Jasvir Kaur came out of the house, I told both of them that our door is lying open. Mada Singh said let call Jasvir Singh son of Inderpal. Then Mada Singh called Jasvir Singh. Accompanying with Jasvir Singh, I and Mada Singh and wife of Mada Singh came to my house and saw that all the doors of house are lying open and blood was oozing from the head of my husband lying on the Kot and he was lying unconscious. We tried our best but my husband did not gain consciousness. Some unknown person while entering in my house and while inflicting injury with some sharp edged weapon had murdered my husband Kewal Singh Chowkidar. I don't have any doubt against anyone regarding murder of my husband. Strictest legal action be taken against murderer of my husband. I got recorded my statement to you, heard, understand, which is correct".

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State's counsel opposes bail and refers to the reply.

6. It would be appropriate to refer to the following portions of the reply, which read as follows:

"3. That during investigation earnest efforts were made to trace out the unknown murderer of deceased Kewal Singh but no clue was found. On 24.12.2023, Sarpanch of village Pipli, Kuldeep Kumar Sharma son of Sh. Pargat Ram, resident of village Pipli and Member Block Samiti, Abhimanyu @ Hanny son of Sh. Rajender Kumar Sharma, resident of village Pipli came present in PS Kalanwali and produced petitioner/accused and both of them told that murder of deceased Kewal Singh was committed by Veerpal Kaur wife of Kewal Singh (complainant) herself and this was disclosed to them by Veerpal Kaur wife of Kewal Singh (complainant) herself. Both of them Sarpanch of village Pipli, Kuldeep Kumar Sharma and Member Block Samiti, Abhimanyu @ Hanny got recorded the version of statement/extra judicial confession of petitioner/accused/Annexure P-2, which was suffered by petitioner/accused before them. Copy of statement of Sarpanch of village Pipli, Kuldeep Kumar Sharma and Member Block Samiti, Abhimanyu @ Hanny detailing extra judicial confession of petitioner/accused is already annexed with the present petition as Annexure P-2, so the same is not repeated herein for the sake of brevity.

8. That during investigation of the case, it surfaced on the case file that petitioner/accused Veerpal Kaur (who is wife of deceased) has herself committed murder of her husband by inflicting injuries on the head of deceased with danda due to fed up by regular quarrel with her husband. After murder of her husband deceased Kewal Singh, the petitioner/accused has tried to cover up the matter of death of her husband by telling false story of commission of

murder by some unknown person. However, later on due to repentance the petitioner/accused herself has admitted her guilt and made Extra Judicial Confession/Annexure P-2 voluntarily before the witnesses. In this way the involvement of petitioner/accused in the murder of her husband Kewal Singh was fully established on the case file."

7. The petitioner's counsel makes the following submissions:

- For 4 months there was no headway in the case and then as per prosecution case, the petitioner herself went to the Sarpanch-Kuldeep and allegedly made extra judicial confession (Annexure P-2) dated 24.12.2023 to have caused the murder of her husband as he used to beat her everyday. At that time, one witness Abhimanyu Hunny was also present.
- Why would the petitioner herself confess her guilt by making extra judicial confession (P-2) to the Sarpanch with whom she had no confidence or proximity, especially when, there was nothing in the investigation for the last 4 months. FIR is dated 26.08.2023 and extra judicial confession was made on 24.12.2023. Even otherwise extra judicial confession is a weakest type of evidence and conviction cannot be generally recorded on the same and counsel referred Hon'ble Supreme Court's Judgment in case titled as "Munna Kumar Upadhyaya @ Munna Upadhyaya Vs. State of A.P.", 2012(2) RCR (Criminal) 962.
- There is no other evidence against the petitioner in the entire challan (Annexure P-3). Even the status report dated 13.09.2024 filed by the State observes that there is extra judicial confession of the petitioner only.
- There is no evidence to corroborate the allegations in the extra judicial confession that the husband of the petitioner used to beat her everyday. Neither any neighbour nor the children of the petitioner state so.
- The petitioner and the deceased were married for more than 20 years and there are three major children and one is in the army. Statement under Section 161 Cr.P.C. of one son Sewak Singh (at Pg. 98 of the paper book) was recorded and he has not stated anything against the petitioner.
- Only one Danda is recovered after 4 months at the instance of the petitioner from her house and recovery is highly unnatural and unbelievable and which no human blood could be detected on the same as per FSL Report mentioning material disintegrated.

8. There is legally admissible evidence of Extra Judicial Confession made to two independent persons corroborated by the recovery of the weapon of offense, a Danda at the petitioner's instance.

9. A perusal of the bail petition and the documents attached prima facie points towards the petitioner's involvement and does not make out a case for bail. The impact of crime would not justify bail. Any further discussions will likely prejudice the

petitioner; this court refrains from doing so.

10. The petitioner’s custody of around 11 months cannot be termed prolonged, given the minimum sentence prescribed for the offense, which is imprisonment for life.

11. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

12. **Petition dismissed.**

(ANOOP CHITKARA)
JUDGE

19.11.2024
Sonia Puri

Whether speaking/reasoned:	Yes
Whether reportable:	No.