

CRM-M-38944-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-38944-2024
Reserved on: 05.11.2024
Pronounced on: 18.11.2024

Surinder Kaur alias Rekha ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Japjit Singh Johal, Advocate
for the petitioner.

Mr. Sukhdev Singh, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
43	05.07.2021	Ajitwal, District Moga	302, 201, 34 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. As per custody certificate dated 04.11.2024, the accused has no criminal antecedents.

3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“2. That brief facts of the case are that on 04.07.2021 information was received at police station that one dead body of unknown person was found from water canal of village Ajitwal. On receiving the said information a police party headed by ASI Jarnail Singh No.768/Moga reached at the spot and deposited the abovesaid dead body in the mortuary of Civil Hospital Moga and by record as DDR No.27 dated 04.07.2021.”

4. The petitioner's counsel prayed for bail and refers to paras 5 to 8 of the bail petition, which reads as follows:-

“5. That admittedly the present case is a case of blind murder and there is no eye witness to the occurrence. During investigation statement of one

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Pawan Kumar son of Param Chand has been recorded on 05.07.2021 and he has alleged that he had last seen the accused with the deceased on 03.07.2021. Further he has stated that the accused came and confessed their crime before him. This whole version is highly improbable and unbelievable as firstly the version being propounded is that the petitioner along with the deceased and the alleged paramour/co-accused went together on a two wheeler. Secondly the extra judicial confession is also highly improbable because if the petitioner would have committed any crime (for the sake of arguments) then there would be no cause or occasion for her to go and confess the same before her alleged neighbour. Copy of statement under section 161 CrPC of Pawan Kumar is attached herewith as Annexure P-2.

6. That as per allegations, the petitioner got recovered an iron sabbal (rod) which was allegedly used in crime but admittedly as per the post mortem report of the deceased there is no injury of heavy blunt weapon on the person of the deceased. Though allegations are that petitioner gave iron sabbal blow on the neck of the deceased but there is no such corresponding injury on the neck of the deceased.

7. That the petitioner is a lady having three children one daughter of the petitioner is bed ridden and having serious health problems. There is no person to look after the young children of the petitioner. Infact the present case got registered by complainant in greed of property. Even otherwise, the story is highly improbable and unnatural that deceased accompanied both the accused at night time when he was already having knowledge about their illicit relations. The present case is a case of blind murder and later on, on the basis of weak circumstantial evidence, the petitioner has been implicated in the present case.

8. That the petitioner is in custody since 05.07.2021, thus, she has already undergone considerable time in custody. Thus, no useful purpose would be served by keeping the petitioner behind the bars.”

5. 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.

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

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

“8. Role of the petitioner: Surinder Kaur @ Rakha wife of Raj Kumar

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(petitioner) was having illicit relations with Daljit Singh @ Nikka son of Gurmail Singh resident of Agwar Khawaja Jagraon. Raj Kumar was hurdle for their relationship due to which on 03.07.2021 during night Surinder Kaur (petitioner) and Daljit Singh had committed the murder of Raj Kumar with some sharp edge weapon and threw the dead body in the water canal with intention to remove the evidence.

9. Evidence against the petitioner: *There is sufficient evidence on the file to connect the petitioner with the murder of her husband. During investigation of the case, Daljit Singh confessed before the investigating officer and petitioner also got recovered knife and sabbal used by them in said occurrence u/s 27 of Evidence Act."*

8. The prosecution has collected sufficient prima facie evidence of motive and discovery of weapon of offense based on the petitioner's disclosure statement made under S 27 of the Indian Evidence Act, 1872.

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

11. **Petition dismissed.** All pending applications, if any, are disposed of.

(ANOOP CHITKARA)
JUDGE

18.11.2024
anju rani

Whether speaking/reasoned: Yes
Whether reportable: No.