

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-41222-2023
Reserved on: 30.01.2024
Pronounced on: 01.02.2024
2024: PHHC: 013853

SATNAM KAUR

. . . . Petitioner

Vs.

STATE OF PUNJAB

. . . . Respondent

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr. A.P.S. Sandhu, Advocate, for the petitioner.

Mr. Karunesh Kaushal, AAG, Punjab.

Mr. Manjot Singh, Advocate, for
Mr. Lovish Rattan, Advocate, for the complainant.

DEEPAK GUPTA, J.

By way of this petition filed under Section 439 CrPC, petitioner prays for her release on regular bail in case FIR No.133 dated 12.06.2022 registered under Sections 302/379B/34 IPC and Sections 25 of the Arms Act (Act N: 54 of 1959) [Sections 120B/380 and 177 IPC added later on] at Police Station Chheharta, District Amritsar.

2. Status report dated 15.11.2023 by way of an affidavit of Shri Kamaljit Singh, PPS, Assistant Commissioner of Police, West, Amritsar City (additional Charge) filed on behalf of respondent-State, has already been received.

3. Ironically, FIR regarding the murder of her husband Harinder Singh (deceased) son of Harbhajan Singh was lodged by the petitioner herself, who is now an accused in this case.

4. As per the status report, on 12.06.2022, information regarding the murder of Harinder Singh son of Harbhajan Singh by two motorcycle borne youngsters was received by SHO, Police Station Chheharta, Amritsar, who reached the house of petitioner and recorded her statement, as per which, her marriage with deceased Harinder Singh was performed in 2013. She had two children out of this marriage. Her husband was working in Dubai for the last 12-13 years and had come back just 12-13 days back. It was further stated by the petitioner that on 12.06.2022 at about 3:30 AM, she along with her husband and two daughters were going to Golden Temple to pay homage, on a motorcycle. As they reached near Dashmesh Gun House, Harkrishan Nagar, two persons riding on a motorcycle came from backside and pushed the petitioner, who fell down. One of the riders fired gunshot in the head of husband of the petitioner. The assailants took away purse and mobile phone of her husband; and also mobile phone make Vivo belonging to her. On raising noise, public gathered. Her father-in-law Harbhajan Singh reached the spot and they took injured-Harinder Singh to Amandeep Hospital, Amritsar, but he was declared brought dead.

5.1 FIR was accordingly registered. Spot of crime was visited. Two cartridge cases of .32 bore bearing KF 7.65 on their percussion caps were recovered from the spot, which were taken into possession. Postmortem examination of the deceased was got conducted. On the same day i.e. 12.06.2022, SHO, Police Station Chheharta, Amritsar received secret information that it is the petitioner, who in connivance with Arshdeep Singh and Varinder Singh had got committed the murder of her husband i.e. deceased Harinder Singh as the deceased was living in Dubai and the petitioner had developed illicit relations with Arshdeep Singh. As Harinder

Singh had developed doubt about the said illicit relationship, he had come back and was keeping strict surveillance upon the petitioner and thus, he had become a hurdle in the illicit relations of the petitioner and Arshdeep Singh and that it is because of this reason, petitioner and Arshdeep Singh hatched the conspiracy to kill Harinder Singh. They gave contract to Varinder Singh for an amount of ₹2,70,000/-. Arshdeep Singh stole licensed pistol of his uncle Lal Singh and gave it to his friend Varinder Singh. In pursuance to this conspiracy, Varinder Singh and Arshdeep Singh killed the deceased.

5.2 On the same day i.e. on 12.06.2022, two accused Arshdeep Singh and Varinder Singh were arrested. During personal search of Arshdeep Singh, weapon used in crime i.e. pistol of 7.65 (0.32 bore) loaded with 5 live cartridges was recovered besides the motorcycle used in the crime and one mobile phone Redmi. Another mobile phone make Mi was recovered from the possession of co-accused Varinder Singh. During interrogation, Arshdeep Singh suffered disclosure statement admitting his illicit relations with the petitioner-Satnam Kaur and hatching of the conspiracy so as to kill her husband Harinder Singh, who had become a hurdle in the relationship after coming back from Dubai. Said Arshdeep Singh also disclosed that he had met the petitioner on 11.06.2022 and she had told him that she had made her husband ready to go to Golden Temple in the wee hours of 12.06.2022 and thereafter, he (Arshdeep Singh) and Varinder Singh kept an eye on the movements of the petitioner and deceased and when they left home, they chased them and then Harinder Singh was murdered at the place of occurrence. Similar disclosure statement was also made by co-accused Varinder Singh. On the same day i.e. 12.06.2022, Harbhajan Singh, father-in-law of the petitioner was joined in the

investigation, who also disclosed about the illicit relationship of the petitioner with Arshdeep Singh and that in order to keep the honour of the family, he kept mum and did not disclose about the same to Harinder Singh. Petitioner was arrested on the same day i.e. 12.06.2022 and during her custodial interrogation, she suffered disclosure statement admitted all the aforesaid facts.

5.3 Call detail records of the mobile of the petitioner and accused-Arshdeep Singh were obtained and analysis thereof revealed that they had exchanged frequent and long calls with each other during 12.01.2022 to 02.06.2022 and since deceased had come back from Dubai and keeping surveillance on the activities of the petitioner, so she could not exchange any call with Arshdeep Singh after 02.06.2022. Lal Singh, the Arm license holder of the pistol used in the crime, was also joined in the investigation, who disclosed that he had gone to Indore after locking his pistol in almirah and that the same was stolen by his nephew-accused Arshdeep Singh.

5.4 The two cartridge cases was recovered from the place of occurrence and the pistol of .32 bore used in the commission of crime along with five cartridges recovered from accused Arshdeep Singh were sent to Forensic Science Laboratory, SAS Nagar, Punjab, for scientific examination and as per the report Annexure R1, the two cartridge cases as recovered from the place of occurrence were found to have been fired from the same pistol as recovered from accused Arshdeep Singh.

5.5 After completion of investigation, challan was filed in the Court. Charges have since been framed on 06.10.2023, but no witness has been examined so far.

6. It is contended by ld. counsel that petitioner has been falsely implicated simply on the basis of disclosure statement of co-accused or the secret information as projected by the IO of the case. Ld. counsel contends that as per the call detail records, petitioner had conversation with the co-accused Arshdeep Singh during 12.01.2022 to 02.06.2022 i.e. at least till 10 days prior to the date of occurrence. Ld. counsel contends that had the petitioner been part of conspiracy to murder of her own husband with other co-accused, there must have been exchange of calls between her and co-accused immediately prior to the date of occurrence. Ld. counsel also contends that if at the worst, it is assumed that petitioner had illicit relations with co-accused Arshdeep Singh that in itself cannot be sufficient to presume that she was part of conspiracy to murder her husband. Ld. counsel further contends that investigation is already complete; that charges have already been framed; that petitioner is a woman having two daughters aged 2.5 years and 7 years, who require immediate attention by the petitioner; that trial may take time to conclude and so, in all these circumstances, she be granted bail.

7. Strongly opposing the bail petition, ld. State counsel along with counsel for the complainant submits that petitioner was very much part of the conspiracy so as to murder her husband along with co-accused, as is evident from the call detail records between her and the co-accused Arshdeep Singh and as has also surfaced in the disclosure statement of the petitioner as well as the co-accused. Prayer is made for rejecting the petition.

8. I have considered submissions of both the sides and have appraised the record.

9. Admittedly, petitioner was going along with her deceased husband at the time of occurrence. It is also the projected case of the prosecution that it is co-accused Arshdeep Singh and Varinder Singh, who waylaid the motorcycle of the deceased and then one of them namely Varinder Singh shot dead Harinder Singh. The occurrence took place on 12.06.2022, whereas the call details record would reveal the regular conversation between the petitioner and the co-accused took place during 12.01.2022 to 02.06.2022 i.e. till at least 10 days prior to the day of occurrence. The case is largely dependent upon the disclosure statement of co-accused and that of the petitioner, as far as role of petitioner is concerned. It will be a matter of trial as to whether the petitioner was part of conspiracy along with co-accused so as to murder her husband. Court cannot ignore the fact that petitioner is a woman having two minor daughters aged 2.5 and 7 years only and after the death of their father, said children require the attention of their mother i.e. the petitioner. Petitioner is already in custody for the last 1 year 7 months and 17 days as per the custody certificate and has no other criminal case pending against her. As the status report reveals that not even a single witness has been examined so far and thus, trial is likely to take long time to conclude.

10. Having regard to all the abovesaid facts and circumstances, but without commenting anything further on merits of the case, petition is allowed. Petitioner is admitted to regular bail on her furnishing requisite bail bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned, on usual terms and conditions.

01.02.2024
Vivek

(DEEPAK GUPTA)
JUDGE

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| 1. Whether speaking/reasoned? | Yes |
| 2. Whether reportable? | No |