



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

107+213

1. CRM-28154-2024 in/and
CRM-M No.44100 of 2023
Date of decision: July 24th, 2024
Raj KaurPetitioner
Versus

State of PunjabRespondent

2. CRM-28203-2024 in/and
CRM-M No.49368 of 2023
Paramjit SinghPetitioner
Versus

State of PunjabRespondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Ms. Anupam Bhanot, Advocate
for the applicant-petitioners.
Mr. Navdeep Singh, Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)
CRM-28154-2024 in CRM-M No.44100-2023
CRM-28203-2024 in CRM-M No.49368-2023

Prayer in these applications is for placing on record the deposition of prosecution witnesses as Annexure P-3 to P-5.
Applications are allowed subject to just exceptions.
Annexure P-3 to P-5 are taken on record.

Main cases

This order shall dispose of the above-mentioned petitions filed under Section 439 of the Code of Criminal Procedure, 1973, for grant of bail to the petitioners, as they arise out of same FIR i.e. FIR No.285 dated 17.08.2020 under Sections 302, 34 of the IPC registered at Police Station Goindwal Sahib, District Tarn Taran.

2. Learned counsel for the petitioners has at the outset drawn the attention of this Court to the contents of the FIR (Annexure P-1), which are as under:-

*“On the basis of statement of Amrik Singh son of Dalbir Singh aged 43 years Mobile 7710607662 to the effect that he is a labourer. He is blessed with four daughters and one son. His eldest daughter namely Komalpreet Kaur was married to Jobanjit Singh about one and half years ago. Out of this wedlock one minor son now aged about 4-5 months is born. His daughter in routine was subjected to beatings and earlier also many times matter was got compromised. On that day i.e. 17.08.2020, Gian Kaur wife of Late Sewa Singh, who is grand mother-in-law of his daughter made telephone call to Sarabjit Kaur, who is his sister of his wife. Gian Kaur told Sarabjit Kaur that Jobanjit has stabbed Komalpreet Kaur in her stomach with a Datar and asked her to come over immediately to village Bharowal. All this was told to him by Sarabjit Kaur and then he, along with his wife namely Manjit Kaur, Sarabjit Kaur and her husband namely Sukhwinder Singh reached village Bharowal. There, they found that his daughter was lying on a cot in the courtyard of the house. When he tried to ask her as to what has happened, then she heaved a deep breath and went quite. He tried to take her to a doctor but she breathed her last. **Immediately, mother-in-law Raj Kaur and father-in-law Paramjit Singh, of her deceased daughter, fled away from the spot.** Complainant alleged that his deceased daughter was often subjected to beatings by Jobanjit Singh, his father Paramjit Singh, mother Raj Kaur and brother Malkit Singh and Jobanjit Singh in conspiracy with each of them has murdered his daughter Komalpreet Kaur by stabbing her in the stomach with a Datar. Legal Action be taken against them.”*

3. It has been argued by the learned counsel that a perusal of the aforementioned extract of the FIR clearly reveals that even through it is a case resting on circumstantial evidence and it was on a telephonic call made by the grandmother-in-law of the deceased that the FIR in question had come into existence, however, the only attribution qua the petitioners (parents-in-law of deceased) was that they fled away from the spot after the deceased was stabbed to death by her husband i.e. Jobanjit Singh. It has been further submitted by the learned counsel that a false and fabricated case having been planted upon the petitioners finds due credence from the fact that while stepping into the witness box, complainant-Amrik Singh (father of deceased) did not support the case of the prosecution qua the petitioners, as a result of which he was declared hostile. Learned counsel has submitted that in the aforementioned facts and circumstances, since the petitioners have now been in custody since 12.05.2021, their further incarceration would serve no useful purpose as all the material witnesses including the complainant stand examined and 17 prosecution witnesses still remain to be examined.

4. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions from ASI Jagjit Singh, has not disputed the contents of the FIR, which already stand reproduced in the earlier part of this order; it has also not been disputed by the learned State counsel that all the material witnesses including the complainant stand examined and they had not supported the case of the prosecution, as a result of which they were declared hostile.

