

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-47725-2023 (O&M)
Date of Decision: 30.01.2024
2024: PHHC: 012744

KULDEEP KAUR

. . . . Petitioner

Vs.

STATE OF PUNJAB

. . . . Respondent

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr. Salil Dev Bali, Advocate, for the petitioner.

Mr. Karunesh Kaushal, AAG, Punjab.

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.84 dated 11.04.2023 registered under Sections 302/34 IPC (offences u/s 392, 120B IPC and 25 of the Arms Act added later on) at Police Station Division 5, District Police Commissionerate Ludhiana.

2.1 FIR was lodged on the statement of Joginder Kaur wife of Manjit Singh, as per which her husband Manjit Singh (since deceased) was running a shop at Karimpura Bazar Ludhiana. On that day, she had telephonically talked to her husband, who informed her that he was coming after some time after closing the shop. Later on, her brother-Satinderpal Singh informed her that her husband had been thrown away near Sharma Sweets after causing injuries to him. Complainant along with her brother and family members reached the spot and saw her husband lying on road drenched in blood. Manjit Singh was taken to DMC Hospital, where he was declared brought dead. On making inquiries from the people living nearby at the spot, complainant came to know that her husband

had been given beatings by two unknown persons, who had come on a vehicle and had given injuries to him with an ice pick and had taken away bag full of money from her husband. FIR was accordingly registered against two unknown persons.

2.2 On next day i.e. 12.04.2023, complainant made supplementary statement, as per which on her personal inquiries, she had come to know that her husband was murdered by Jobanjit Singh s/o of Kulwinder Singh; Mandeep Singh @ Manna s/o Meher Singh; and Kuldeep Kaur (*petitioner herein*) wife of Gurcharan Singh, who used to do recce of her house and the shop of her husband and that on the date of occurrence i.e., 10.04.2023, when her husband was coming from his shop towards the house, these persons had followed him on Scooty No. PB-10-GP-9470; and Swift Car No. PB-30V-0182. She further disclosed that Jobanjit Singh and Mandeep Singh @ Manna had attacked her husband with ice pick and looted the bag and that at that time Kuldeep Kaur (*petitioner*) was in a swift car. On the way Jobanjit Singh and Mandeep Singh @ Manna left their scooty and went away in the car with the petitioner Kuldeep Kaur.

2.3 On 14.04.2023, accused Mandeep Singh @ Manna, and Kuldeep Kaur (*petitioner*) were arrested. Pursuant to the disclosure statement suffered by them, an amount of ₹5,35,000/- taken away from the deceased at the time of committing murder was recovered from the drawer of the almirah of the house of accused-Mandeep Singh @ Manna; whereas an amount of ₹29 lakh was recovered from the bed in the house of Kuldeep Kaur (*petitioner*), which was taken away from the deceased at the time of committing his murder.

2.4. During further investigation, Jaskaran Singh and Harpal Singh made statements on 17.04.2023, claiming to be the eyewitnesses of the

occurrence and stated that the two boys with muffed faces had stopped the scooty of Manjit Singh, tried to run away with the bag of money lying on his scooty, but as Manjit Singh stopped them, they started hitting Manjit Singh with an ice pick, causing injuries to him. They also stated that at the time, when those two boys were snatching the bag, one lady was present in a swift car, asking those boys that in case deceased does not leave the bag, then kill him. These witnesses further identified Mandeep Singh @ Manna, and Kuldeep Kaur (petitioner), who were seen by them at the time of crime.

2.5. After completion of investigation, final report under Section 173 CrPC was filed against Kuldeep Kaur (petitioner) and co-accused Mandeep Singh @ Manna. Co-accused Jobanjit Singh is yet to be arrested.

3. It is contended by ld. counsel that petitioner has been falsely implicated on the basis of supplementary statement made by the complainant, two days after the incident. Further attention is drawn towards the fact that statements of Harpal Singh and Jaskaran Singh have been recorded on 17.04.2023 i.e. 7 days after the occurrence, in which they claimed to be the eyewitness of the occurrence, though, prior thereto, they did not report the matter to the police. Ld. counsel contends that these witnesses have been planted by the police in order to implicate the petitioner; that petitioner has not been attributed with any injury to the deceased and that the only role assigned to her is to have facilitated the co-accused in running from the spot, which is also based upon the statements of witnesses recorded after 7 days. Ld. counsel also contends that though the respondent-State has referred about CCTV footage of the occurrence, but in that footage, neither any car nor the petitioner is seen helping the co-accused. Ld. counsel further submits that petitioner is in custody

for the last more than 9 months and trial may take time to conclude and so, in all these circumstances, she be granted bail.

4. Ld. State counsel has opposed the bail petition by submitting that role of the petitioner has emerged in the statements of the eyewitnesses, to have helped the co-accused. Attention is also drawn towards the latest status report filed by way of affidavit dated 11.01.2024 of Ms. Jasroop Kaur Batth, Assistant Commissioner of Police, Civil Lines, Ludhiana, as per which clothes and shoes used by the accused at the time of occurrence recorded in the CCTV footage were recovered from swift desire car No. CH01-AB-6360, which were taken in police custody at the time of arrest of Kuldeep Kaur (petitioner) and co-accused Mandeep @ Manna. Besides ₹29 lakh was recovered from the house of the petitioner. The car No. PB-30V-0182 used by the petitioner at the time of occurrence was also taken into possession and as per the statement made under Section 164 CrPC of the original owner, petitioner had taken the said car on 10.04.2023 and returned the same to him on 11.04.2023. Prayer is made for rejecting the petition.

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

6. In the FIR (Annexure P1), there is reference of only two unknown persons, who waylaid the deceased, caused injuries to him, snatched his bag full of money and fled away on a scooty. There is no reference of any lady in the car accompanying those persons. It is in the supplementary statement made by the complainant on 12.04.2023 that petitioner is nominated to be one of the accused and to be present at the time of occurrence in her swift car No. PB-30V-0182. As per this supplementary statement, complainant had come to know about the role of the petitioner and co-accused on her personal inquiry.

However, what is the source of this personal inquiry, is not disclosed. Admittedly, petitioner and co-accused were arrested on 14.04.2023 and it is only thereafter that statements of Jaskaran Singh and Harpal Singh were recorded and these eyewitnesses identified the petitioner to be present at the spot in her swift car. However, Id. State counsel concede the fact that car No. PB-30V-0182, allegedly used by the petitioner at the time of crime and taken into possession, is not visible in the CCTV footage and it is only the shoes and clothes worn by the co-accused, which were visible in the CCTV footage and those were recovered from another car bearing No. CH01-AB-6360. Apart from this, even if the version of witnesses recorded on 17.04.2023 is taken to be at its face value, the only role attributed to the petitioner is to have facilitated the co-accused in running away from the spot. Petitioner is in custody for the last 9 months and 12 days as per the custody certificate placed on record.

7. Having regard to all the aforesaid 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.

30.01.2024
Vivek

(DEEPAK GUPTA)
JUDGE

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