

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-49493-2023

Date of Decision:-21.02.2024

Gurpreet Kaur @ Preeti.

.....Petitioner.

Vs.

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Pawandeep Singh, Advocate for the Petitioner.

Mr. Mohit Saroha, Assistant Advocate General, Punjab.

Mr. Chander Shekhar Singhal, Advocate for
Mr. D.R. Punia, Advocate for the Complainant.

JASJIT SINGH BEDI, J.(ORAL)

The prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.0197 dated 26.06.2020 under Sections 302, 34 IPC and Section 201 IPC registered at Police Station Phillaur, District Jalandhar (Rural).

2. The present FIR came to be registered at the instance of Kulwinder Singh @ Kaka which reads as under:-

“ Statement by Kulwinder Singh @ Kaka Son of Shri Param Ram Resident of Nagar Tehsil Phillaur, Police Station Phillaur, District Jalandhar (Rural) aged about 42 years Mobile Number 98551-78359 stated that I am the resident of the above said address and I work as a DJ, we are two brothers and two sisters, all of us are married, me and my brother Baljeet Singh alias Laadi

whose age is around 46 years has opened his shop named Marshal DJ and also built an apartment next to the shop for rent purpose, in this apartment, the ground floor was his personal office space and the above floor was built for residential purpose, in this apartment, there was a tenant named Harpreet Singh alias Prince S/o Rajinder Singh Resident of House Number 07, Street Number 03, Risha Colony, Village Chaura, Police Station Kotwali District Patiala Present Address Village Nagar, Tehsil: Phillaur Jalandhar (Rural) who have been living there with his family for about 7/8 months; my brother usually lend money to known persons and the above said Harpreet Singh who was living as a tenant in my brother's building was also given some money by my brother when his mother got sick, and when my brother asked the money back from Harpreet Singh, he started arguing with my brother, i was informed about this by my brother when he came to my house, this happened around 03/04 days back. Dated 25/06/2020, my brother went to his office as usual and did not return home in the evening. My nephew told me that his father's mobile phone was switched off and he did not come back home, because it was night time I took my motor cycle towards the New Abadi Nagar to look for my brother Baljeet Singh at his office, the shutter of his office was closed, I asked the tenant Harpreet Singh, he told me from the rooftop that your brother is gone to the temple, after hearing this I came back to the house. After reaching home, I told my nephew that the tenant told me that your father has gone to the temple. Me and my nephew on dated 26.06.2020 went to the office and saw blood stains outside the office from under the shutters, we both got suspicious at that time and we broke open the shutter lock and found the dead body of my brother

Baljeet Singh which was blood ridden and there were also traces on blood on the walls and the sofa. I believe that my brother was murdered mercilessly by hitting him with a sharp object by Harpreet alias Prince and his wife Gurpreet Kaur alias Preeti and the reason behind this incident is that my brother Baljeet Singh asked for his money back, but instead of giving his money back, they murdered him. To give this information I along with my Uncle Harbhajan Ram S/o Harblas Ji and Uncle Jasram were going towards Police Station Phillaur and you met us, action should be taken, the statement is written and it is correct. Sd in English by Kulwinder Singh."

3. Harpreet Singh @ Prince and Gurpreet Kaur (petitioner) were arrested on 27.06.2020. An iron rod, mobile phone of the deceased, motor cycle of the deceased and blood stained clothes were recovered on the basis of the disclosure statement of Harpreet Singh @ Prince. Rs.6000/- was recovered at the instance of the petitioner. As the gold chain and gold ring of the deceased were not recovered offence under Section 201 IPC was added.

During the course of the investigation the statement under Section 161 Cr.PC of the one Manjit Kumar @ Billa was recorded to the effect that Harpreet Singh @ Prince had suffered an extra judicial statement stating that he along with his wife Gurpreet Kaur (petitioner) had committed the offence in question. The statement of the son of the deceased namely Danny Marshal was recorded regarding the motive.

4. The Counsel for the petitioner contends that there is absolutely no evidence against the petitioner in a case which is based on circumstantial evidence alone. The statement of Manjit Kumar @ Billa cannot inculcate

the petitioner as it refers to an extrajudicial confession made by Harpreet Singh @ Prince alone. The petitioner has not made any such statement. Further the recovery of Rs.6,000/- cannot be connected with the offence in question. As the petitioner was a lady, in custody since 26.06.2020 and only 03 out of 29 prosecution witnesses had been examined so far, the Trial of the present case was not likely to be concluded anytime soon and therefore, she was entitled to the concession of bail.

5. The Counsel for the State on the other hand while referring to the reply date 19.12.2023 contends that the petitioner and her co-accused husband Harpreet Singh @ Prince committed the offence in question. Both the arrested accused including the petitioner had suffered their disclosure statements and had also got certain recoveries effected. Therefore, she was not entitled to the concession of bail. However, he concedes the fact that the petitioner was a first time offender, in custody since 26.06.2020 and that only 03 out of 29 prosecution witnesses had been examined so far.

6. I have heard learned Counsel for the parties.

7. The veracity of the prosecution case against the petitioner and his co-accused shall be adjudicated upon during the course of the Trial. Admittedly, the petitioner is a first time offender, stated to be in custody since 26.06.2020 and only 03 out of the 29 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. In this situation the further incarceration of the petitioner is not required.

8. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-**Gurpreet Kaur @ Preeti** wife of Sh. Harpreet Singh @ Prince is ordered to be released on bail subject to her furnishing bail bonds and surety bonds to the satisfaction of learned

CJM/Duty Magistrate, concerned.

9. If the petitioner or any of her family members/associates make any attempt to contact/threaten/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted vide this Court.
10. In addition, the petitioner (or anyone on her behalf) shall prepare an FDR in the sum of Rs.50,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from the trial without sufficient cause.
11. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

February 21, 2024
Vinay

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No