



102

**THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M No.51301 of 2024
Date of Decision: 18.10.2024**

Angrej Kaur

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Kamaldip Singh Sidhu, Advocate and
Ms. Kirandeep Kaur, Advocate
for the petitioner.

RAJESH BHARDWAJ, J.

1. Present petition has been filed praying for the grant of anticipatory bail to the petitioner in case FIR No.248, dated 04.08.2024, under Sections 103(1), 123, 238, 3(5) of BNS, 2023, registered at Police Station Sohana, District Mohali.
2. Succinctly the facts of the case are that on 04.08.2024, the police received a secret information that Angrej Kaur wife of Gurdeep Singh i.e. the petitioner was having illicit relations with her elder brother-in-law, namely, Jagtar Singh, son of Baldev Singh. When the daughter of Angrej Kaur, namely, Preet Kaur, who was of the age of about 13 years, came to know regarding their illicit relationship, then on 11.07.2024 at about 9.30 p.m., Angrej Kaur and Jagtar Singh in conspiracy with each



other firstly administered poison to her daughter, namely, Preet Kaur and thereafter murdered her by way of strangulation. Husband of Angrej Kaur, namely, Gurdeep Singh was working in Army and before his arrival on 12.07.2024, Angrej Kaur having connived with her elder brother-in-law, Jagtar Singh performed the cremation of her deceased daughter, Preet Kaur in order to destroy the evidence. It was informed that the villagers were talking among themselves about this incident. On finding the information reliable, FIR No.248, dated 04.08.2024 under Sections 103(1), 123, 238, 3(5) of BNS, 2023 was registered and the investigation commenced. Apprehending her arrest, the petitioner approached the Court of learned Additional Sessions Judge, SAS Nagar, praying for the grant of bail. However after hearing both the sides, the learned Additional Sessions Judge, SAS Nagar finding no merit in the same, dismissed the petition filed by the petitioner vide his order dated 08.10.2024. Hence being aggrieved the petitioner is before this Court by way of filing the present petition for the grant of anticipatory bail.

3. Learned counsel for the petitioner has vehemently contended that the petitioner is the mother of the deceased child, namely, Preet Kaur, who has been falsely and frivolously implicated in the present case. He has submitted that in the night of 11.07.2024, daughter of the petitioner, namely, Preet Kaur was going to urinate in the courtyard of the house where she had fallen victim to the snake bite and she became unconscious. She was taken to the Sagacious Exorcist, who treated the snake bite with Mantras and she was brought back home, however she



died due to the snake bite. He has submitted that the petitioner informed her husband, who was posted in Rajouri, J&K. Her husband immediately got sanctioned his leave but he informed that he would not be able to reach in time and hence on his asking, the cremation of the dead body was performed on 12.07.2024. He has submitted that FIR was registered against the petitioner and her brother-in-law, namely, Jagtar Singh at the behest of opposite party in the village, who concocted a false and fabricated story. He has submitted that Jagtar Singh was tortured by the police in the police custody and thus was compelled to make a confession. He has submitted that Gurmeet Singh, before whom the co-accused, Jagtar Singh had made the alleged extra judicial confession, is the person of criminal background and thus, no reliability can be given to his statement regarding the alleged extra judicial confession allegedly made by the co-accused. He has submitted that from the facts and circumstances, no prima facie case is made out against the petitioner for the alleged offence and thus, the petitioner deserves to be granted anticipatory bail.

4. Notice of motion.

5. On asking of the Court, Mr. Tarun Aggarwal, Sr. DAG, Punjab appears and accepts notice on behalf of the respondent-State. He has vehemently opposed the submissions made by learned counsel for the petitioner. He has submitted that the deceased, namely, Preet Kaur in the present case was 13 year old daughter of the petitioner, who was eliminated by her in connivance with her brother-in-law, namely, Jagtar



Singh. He has submitted that the death of child has taken place in mysterious circumstances and in order to destroy the evidence, her cremation was performed in haste. He has submitted that co-accused, Jagtar Singh has made an extra judicial confession before Gurmeet Singh. He has submitted that the investigation is at threshold and the petitioner is involved in a heinous offence and her custody is essential for the free and fair investigation. He has thus submitted that there being no ground for granting anticipatory bail to the petitioner, the petition deserves to be dismissed.

6. Heard.

7. On hearing learned counsel for the parties and perusing the record, it is apparent that the deceased in the present case is 13 year old minor girl. The petitioner is none other than the mother of deceased minor girl. The allegations as per the case of prosecution are to the effect that father of the deceased was employed in CRPF, who was posted in Rajouri, J&K. The petitioner, who is mother of the alleged minor girl, had alleged illicit relations with her elder brother-in-law, namely, Jagtar Singh. As the deceased had allegedly came to know about their illicit relations, she was eliminated by both of them and in a clandestine manner, her cremation was also performed in order to destroy the evidence. Co-accused, Jagtar Singh had made an extra judicial confession before one Gurmeet Singh, who had recorded his statement before the police. Co-accused, Jagtar Singh has been arrested by the police whereas the petitioner is yet to be arrested. The minor child not only was allegedly



murdered but her cremation was also done without any postmortem. Needless to say, the allegations made against the petitioner regarding her complicity in the murder of her own daughter are serious in nature. The investigation is at threshold.

8. For the consideration of anticipatory bail, the statutory parameters are given under Section 482(2) BNSS which reads as under:-

Direction for grant of bail to person apprehending arrest.

- (1) *Where any person has reason to believe that he may be arrested on an accusation of having committed a non-bailable offence, he may apply to the High Court or the Court of Session for a direction under this section that in the event of such arrest he shall be released on bail; and that Court may, after taking into consideration, inter alia, the following factors, namely:-*
- (i) *the nature and gravity of the accusation;*
 - (ii) *the antecedents of the applicant including the fact as to whether he has previously undergone imprisonment on conviction by a Court in respect of any cognisable offence;*
 - (iii) *the possibility of the applicant to flee from justice; and*
 - (iv) *where the accusation has been made with the object of injuring or humiliating the applicant by having him so arrested, either reject the application forthwith or issue an interim order for the grant of anticipatory bail.”*

9. As per the law settled by the Hon'ble Supreme Court, in ***Gurbaksh Singh Sibbia Vs. State of Punjab***, AIR 1980 SC 1632, while granting anticipatory bail, the Court is to maintain a balance between the individual liberty and the interest of society. However, the interest of the society would also prevail upon the right of personal liberty. The relevant part of the judgment is as follows:-



“31. In regard to anticipatory bail, if the proposed accusation appears to stem not from motives of furthering the ends of justice but from some ulterior motive, the object being to injure and humiliate the applicant by having him arrested, a direction for the release of the applicant on bail in the event of his arrest would generally be made. On the other hand, if it appears likely, considering the antecedents of the applicant, that taking advantage of the order of anticipatory bail he will flee from justice, such an order would not be made. But the converse of these propositions is not necessarily true. That is to say, it cannot be laid down as an inexorable rule that anticipatory bail cannot be granted unless the proposed accusation appears to be actuated by mala fides; and, equally, that anticipatory bail must be granted if there is no fear that the applicant will abscond. There are several other considerations, too numerous to enumerate, the combined effect of which must weigh with the court while granting or rejecting anticipatory bail. The nature and seriousness of the proposed charges, the context of the events likely to lead to the making of the charges, a reasonable possibility of the applicant's presence not being secured at the trial, a reasonable apprehension that witnesses will be tampered with and "the larger interests of the public or the state" are some of the considerations which the court has to keep in mind while deciding an application for anticipatory bail. The relevance of these considerations was pointed out in *State v. Captain Jagjit Singh* (1962) 3 SCR 622, which, though, was a case under the old Section 498 which corresponds to the present Section 439 of the Code. It is of paramount consideration to remember that the freedom of the individual is as necessary for the survival of the society as it is for the egoistic purposes of the individual. A person seeking anticipatory bail is still a free man entitled to the presumption of innocence. He is willing to submit to



restraints on his freedom, by the acceptance of conditions which the court may think fit to impose, in consideration of the assurance that if arrested, he shall be enlarged on bail.”

10. The Hon'ble Supreme Court in ***State Vs. Anil Sharma, (1997) 7SCC 187***, held as under:-

“6. We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favorable order under Section 438 of the Code. In a case like this effective interrogation of a suspected person is of tremendous advantage in disinterring many useful informations and also materials which would have been concealed. Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail order during the time he is interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third-degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The Court has to presume that responsible police officers would conduct themselves in a responsible manner and that those entrusted with the task of disinterring offences would not conduct themselves as offenders.”

11. Weighing the facts of the case on the anvil of the law settled, it is apparent that the complicity of the petitioner has been prima facie found. The investigation is at its threshold.



12. From the facts and circumstances, the Court is convinced that a thorough investigation is required in the case for unravelling the mystery in the alleged murder of minor daughter of the petitioner. Hence the custodial interrogation of the petitioner is essential in the facts and circumstances of the case and thus, granting anticipatory bail to the petitioner at this stage would scuttle the ongoing investigation.

13. In view of the overall facts and circumstances of the case, the petitioner do not qualify for the grant of anticipatory bail and the same is hereby dismissed. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

18.10.2024
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No