

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No.205

Case No. : CRM-M-56700-2023

Date of Decision : April 01, 2024

Gurmeet Kaur
vs.
State of Punjab

.... Petitioner
.... Respondent

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH.

* * *

Present : Mr. Balwan Singh, Advocate
and Mr. Vikram Jeet Singh, Advocate
for the petitioner.

Mr. Solomon Partap Singh, AAG, Punjab.

* * *

GURBIR SINGH, J. :

1. Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in FIR No.0015 dated 10.02.2021 (Annexure P-1), under Sections 307, 120-B, 34 of IPC, 1860, registered at Police Station Ghagga, District Patiala.
2. As per the allegations, the FIR in question was registered on the statement of Amrit Singh with the allegations that his marriage was solemnized with Gurmeet Kaur (petitioner) about 18 years ago. He had two sons. His elder son was Lovepreet Singh aged about 16 years and younger son was Goldy Singh aged about 13 years. Earlier, the used to reside at Village Khaspur but for the last 6-7 months, he had been living at Village Daroli. His co-brother Jogi Ram and his sister-in-law Kuldeep Kaur were interfering in his family. His co-brother Jogi Ram was having illicit

relations with his wife (petitioner). He made them understand many times to stop their said acts but they did not stop. About three months ago, his co-brother took his wife to Madhya Pradesh. On his persuasion, he called her back and again his co-brother Jogi Ram took his wife with him and they returned after 15 days. On 09.02.2021 i.e. one day prior to the registration of FIR, he and his son Lovepreet Singh were present at the house. His wife Gurmeet Kaur i.e. the petitioner, who had gone from the house about 5-6 days ago, came back to the house along with his co-brother Jogi Ram and sister-in-law Kuldeep Kaur, on motorcycle. The petitioner prepared tea. She mixed something in one cup of tea, which was taken by his son Lovepreet Singh, who after sometime, became sleepy. At about 06:00 PM, all three persons hatched conspiracy with each other. Jogi Ram and Kuldeep Kaur caught hold of him and the petitioner poured diesel upon the complainant which they had brought in a can. In pursuance to the conspiracy hatched by them to kill him, the petitioner put him on fire with a matchstick and all of them fled away from the spot on the motorcycle. He raised alarm. Nearby persons came there. They poured water and put off the fire. They informed at his Village Khaspur. His father and mother arranged conveyance and took him to Village Khaspur. They provided him medicines from a Chemist. On the next day, he was having severe problem, so his brother Ranjit Singh took him to the hospital on motorcycle and got him admitted there.

3. Learned counsel for the petitioner has submitted that as per the medical evidence, there was no disfigurement. The complainant did not get himself admitted on the same very day. Had there been any such occurrence, the complainant would have been taken to the hospital immediately. All

injuries were simple in nature. It has further been submitted that the petitioner is a lady and is in custody since 27.08.2022. i.e. for a period of more than 01 year and 07 months. Challan has already been presented. The statement of complainant has already been recorded in the trial. No other eye-witness is left to be examined, as per list of witnesses. Now application is moved to summon eye-witness. He has also placed on record copy of application moved under Section 311 Cr.P.C. for summoning the witnesses namely Lovepreet Singh, Ranjit Singh, Sukha Singh and Satnam Singh. The prosecution is unnecessary delaying the trial of the case. Report from the learned Trial Court has also been received. It has also been submitted that the petitioner is suffering from *Prolapse* (some gynecological problem) and requires proper treatment. Moreover, co-accused Hardeep Singh @ Jogi Ram and Kuldeep Kaur have already been granted bail by the Court of learned Additional Sessions Judge, Patiala vide order dated 02.03.2023 and 21.02.2023 respectively. The completion of trial is likely to take a long time. Therefore, the petitioner be also granted concession of regular bail.

4. Learned State counsel has opposed the prayer made by learned counsel for the petitioner. He has fairly admitted that statement of complainant has been recorded in the trial but names of eye-witnesses could not be mentioned in the list of witnesses, so, they could not be examined and now, application under Section 311 Cr.P.C. has been moved for summoning the said witnesses. It has also been fairly admitted that petitioner is in custody since 27.08.2022 and the co-accused have been granted bail by the Court below, keeping in view their role in the crime.

5. I have heard the rival submissions of both the counsel and

perused the case file.

6. This Court is of the view that the police as well as the prosecuting agency had not taken the case seriously. There is no supervisory control on the working of the Investigating Officer (IO) and it also seems that there is no control on the working of the concerned Public Prosecutor, who recommended to file the Challan under Section 173 Cr.P.C. It is a matter of serious concern that without mentioning the names of eye-witnesses in the list of witnesses, challan has been filed. Now application is moved that though statements under Section 161 Cr.P.C. of eye-witnesses were recorded but their names were not mentioned in the list of witnesses. It could only happen when all the officials had acted in a negligent manner or with some ulterior motive. It is high time to check such lapses.

7. In view of the above discussion, Director General of Police (Pb.) as well as Director of Prosecution (Pb.) are directed to look into the matter and to take necessary action as well as necessary steps so that such lapse is not repeated in future.

8. Keeping in view the facts that the complainant has already been examined; the petitioner, who is a lady, is in custody for a period of more than 01 year 07 months; the trial of the case is moving at a very slow pace, so, without discussing the merits of the case, this Court is of the opinion that no useful purpose would be served by keeping the petitioner behind bars for further long time.

9. Accordingly, without commenting upon the merits of the case, the present petition is allowed and the petitioner is directed to be released on regular bail, on her furnishing bail bonds/surety bonds, to the satisfaction of

learned Trial Court/Duty Magistrate concerned.

10. Nothing contained herein above shall be construed as an expression of opinion on the merits of the case.

11. Pending applications, if any, shall stand disposed of along with this judgment.

April 01, 2024
monika

(GURBIR SINGH)
JUDGE

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