



(217) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-56941-2023 (O & M)
Date of Decision: 24.07.2024

Simranpreet Kaur @ Simmu

... Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. S.S. Dhillon, Advocate, for the petitioner.

Mr. Harkanwar Jeet Singh, AAG, Punjab.

Mr.Amaninder Singh Sekhon, Advocate,
for the complainant.

JASJIT SINGH BEDI, J.

The prayer in this petition under Section 439 Cr.P.C. is for the grant of regular bail in case bearing FIR No.17 dated 18.05.2023 under Sections 302, 201, 120-B, 148 and 149 IPC registered at Police Station GRP, Faridkot, District Faridkot.

2. The present FIR came to be registered at the instance of Jaskaran Singh @ Jassa and reads as under:-

“Statement of Jaskaran Singh alias Jassa aged about 29 years S/o Balwinder Singh S/o Jarnail Singh resident of Chak saidoke P.S Ameer Khas district Fazlika, Mob. No. 98552-56783. Stated that I am resident of abovementioned address and searching for job after completing my study of B.A, B.ed. we are two brothers and one sister. My elder brother Baljeet Singh age about 32 years and I am younger than him and my younger sister



Amandeep Kaur who is married to Ranjit Singh s/o Harpal Singh resident of Jhabelwali, District Sri Muktsar Sahib. My brother in law Ranjit Singh is working in the army. My brother Baljit Singh is married to Simranjit Kaur for about 10 years, who has two children, the elder boy Prabhjot Singh aged about 9 years and the younger girl Aishmeet Kaur aged about 7 months. Baljeet Singh used to work as a mason and wheat season he used to drive the threshing machine from Basarke district Amritsar Sahib. In this wheat season also he went on threshing machine of Gurpreet Singh and returned home on dated 13-05-2023 after reaping the season and on 15-05-2023 Baljeet Singh who asked me and his wife Simranjeet Kaur to drive the computer leveller and tractor of Gurpreet Singh village Basarke and went from our house at village Chak Saidoke at 3:30 in the evening. I left him in the bus to Sri Muktsar sahib from bus stand of our village. After this my brother Baljeet Singh kept talking to his wife Simranjeet Kaur and he also talked to me from his number 94173-57202 to my phone number 98552-56783 at 7:32 in the evening and told me that I have reached in Amritsar Sahib and after this he talked to his wife at about 8:00 in the night and told her that I have reached Chehrata Sahib and there is another phone number 76529-00472 was also working in the mobile phone of my brother Baljeet Singh. After this we tried to call him to talk to Baljeet Singh, then his phone was busy and at about 10 o'clock at night his phone was switched off. Next day on 16-05-2023 we started looking for him and went to police station Ameer Khas and gave a verbal statement and started asking the relatives then cousin brother Luv S/o Kala Singh resident of Tamkot told me that Baljeet Singh met him yesterday at about 6:15 in evening near Malout bypass Sri Muktsar Sahib and to whom Baljeet Singh said that I have to meet someone at Bathinda Bypass Sri Muktsar Sahib. After this we reached Bathinda Bypass Sri



Muktsar Sahib while searching and there we checked the cameras at doctor's shop then on 15-05-2023 at about 6:27 PM to 6:49 PM Baljeet Singh was seen standing and making a phone call at Bathinda Bypass Sri Muktsar Sahib, after that we did not know about anything. Yesterday dated 17-05-2023 from the photo came on social media late at night we came to know that Railway Police Sri Muktsar Sahib found one dead body from small cannal, which we have identified today by going to Civil Hospital Sri Muktsar Sahib through the staff of railway police post Sri Muktsar Sahib. This dead body belongs to my brother Baljeet Singh S/o Balwinder Singh, resident of village Chak Saidoke P.S Ameer Khas, district Fazilka in whose's head there are lot of injuires. My brother Baljeet Singh was last seen on 15-05-2023 in the evening at Bathinda Bypass Sri Muktsar Sahib. My brother Baljeet Singh was taken by unknown persons at unknown place and gave injuries on his head and have thrown the dead body in cannal with the purpose to scraping the dead body. Kindly register the case and arrest the accused who killed my brother Baljeet Singh. I have stated by statement which is correct. Sd/- Jaskaran Singh alias Jassa”.

3. On 30.05.2023, on the basis of statement of Simranjeet Kaur, wife of the deceased-Baljit Singh @ Baljeet Singh, Saudagar Singh @ Mani Fauji and Chamkaur Singh @ Gotee were nominated as accused.

Chamkaur Singh @ Gotee was arrested and on his statement, Gurpal Singh @ Pala, Rupinder Singh @ Gora, Arshdeep Singh @ Arshi and Simranpreet Kaur @ Simmu (petitioner) were nominated as accused.

From Gurpal Singh @ Pala, a *kapa* was recovered alongwith clothes worn by him at the time of occurrence. From Chamkaur Singh @



Gotee, one iron *kapa* was recovered alongwith clothes worn by him at the time of occurrence.

On 16.06.2023, Simranpreet Kaur @ Simmu was arrested. She disclosed that Saudagar Singh @ Mani Fauji, was her boy friend. The younger sister of Baljit Singh (deceased), namely, Amandeep Kaur was married to Ranjit Singh. There was enmity between the in-laws of Amandeep Kaur and the family of Saudagar Singh @ Mani Fauji because of which they had registered cases against each other. Baljit Singh (deceased) had been pursuing the above-said case being the brother-in-law of Ranjit Singh because of this fact, Saudagar Singh @ Mani Fauji used to threaten him (Baljit Singh). As the petitioner was the girl friend of Saudagar Singh @ Mani Fauji, she in connivance with Saudagar Singh @ Mani Fauji trapped Baljit Singh (deceased) in a love affair coerced him to come to Bathinda Chownk, Sri Muktsar Sahib from where her co-accused took him towards a rivulet and murdered him.

4. The learned counsel for the petitioner contends that other than the confessional statements of the co-accused and the petitioner herself in police custody, the statement of Harpal Singh was recorded as PW-1 to the effect that he had seen the petitioner and Saudagar Singh @ Mani Fauji near his shop on 15.05.2023 and all the accused had taken along Baljit Singh and murdered him. The statement of one Bhinder Kumar (PW-4) had been recorded who had stated that he was a Sarpanch of village Jhabelwali and the petitioner had made an extra judicial confession before him confessing her guilt. As regards PW-1/Harpal Singh, he contends that his statement in Court



was an improvement over the one he had given under Section 161 Cr.P.C. during the course of investigation wherein no such reference of him having seen the petitioner near his shop had been made. As regards Bhinder Kumar, he had been examined as PW-4 and had not supported the prosecution case. Therefore, effectively, there was no evidence available against the petitioner. As she was a first-time offender, in custody since 19.07.2021 but only 04 out of the 45 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 learned counsel for the State alongwith the learned counsel for the complainant, on the other hand, while referring to the status report dated 10.04.2024 contend that it was the petitioner who enticed away Baljit Singh who was, thereafter, taken away by the other accused who committed his murder. Therefore, there was sufficient evidence against the petitioner and she was not entitled to the concession of bail. They, however, concede that she was a first-time offender, in custody since 19.07.2021 and that only 04 out of the 45 prosecution witnesses had been examined so far.

6. I have heard the learned counsel for the parties.

7. As per the counsel for the petitioner, Harpal Singh (PW-1) has made a material improvement in his statement regarding the petitioner. PW-4/Bhinder Kumar has not supported the case of the prosecution. Whether the remaining evidence is sufficient to establish the guilt of the petitioner shall be adjudicated upon during the course of the Trial. Admittedly, the petitioner is a first-time offender, in custody since 19.07.2021 and only 04 out



of the 45 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, her further incarceration is not required.

8. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Simranpreet Kaur @ Simmu 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. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

July 24, 2024
sukhpreet

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No