



222 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-54673-2024

Date of Decision: 08.11.2024

Lovepreet Kaur @ Sapna

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat**Present :** Mr. Krishan Singh Dadwal, Advocate
for the petitioner.

Mr. Deepinder Singh Brar, Senior DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, with a prayer to grant regular bail to her in case FIR No.52 dated 28.03.2024, registered under Sections 302, 120-B, 34 of IPC read with Sections 25, 27, 54, 59 of Arms Act, at Police Station Mahilpur, District Hoshiarpur.
2. The FIR in the present case was registered on the basis of the statement made by Aarti Devi and the same has been reproduced below:-

“Statement of Aarti Devi, wife of late Sandeep Kumar Bhardwaj, son of Hari, resident of Ward No. 03, Main Chowk, Mahilpur, Police Station Mahilpur, District Hoshiarpur, aged around 35 years, mobile No. 95923-23172. Stated that she is a resident of the aforementioned address and works as a teacher at a private school in Mahilpur. I have two daughters, the elder one is Arsh Bhardwaj and the younger one is Ame Bhardwaj. My husband, Sandeep Kumar Bhardwaj, aged around 35 years, do household work. Today, while I was present at home with my daughters, my husband alongwith his friend Kuldeep Singh, son of.



Sadhu Singh, resident of village Manolian, Police Station Mahilpur, District Hoshiarpur went to Hero Bakery & Confectionery Shop at Main Chowk Mahilpur to buy some food items. Then at around 5:30 PM, his friend Kuldeep Singh came home and informed me that at the Hero Bakery & Confectionery Shop, Main Chowk Mahilpur, Rahul Rai alias Rahul Sandhu, son of Kulwinder Singh, resident of village Ghumiala, Police Station Mahilpur, District Hoshiarpur, attacked Sandeep Kumar Bhardwaj and shot him with his armed pistol. After firing, Rahul fled away from the spot on the Hero Splendor motorcycle with his accomplice Ivanpreet Singh, son of Rachhpal Singh, resident of Jassowal, Police Station Mahilpur, District Hoshiarpur alongwith weapon. When I and Kuldeep Singh reached the bakery shop, saw that my husband was lying unconscious on the ground, with bullet wounds on his chest and left arm and there was bleeding. We immediately arranged for transport and took him to Civil Hospital Mahilpur for treatment. The doctor started treating my husband, but shortly afterward, my husband passed away. My husband died due to bullet injuries given by Rahul Rai alias Rahul Sandhu. My husband had told me several times that Rahul Rai alias Rahul Sandhu had been threatening to kill him. Legal action should be taken against Rahul Rai alias Rahul Sandhu and his accomplice Ivanpreet Singh. I was extremely distressed after my husband's death, and now, after keeping my husband Sandeep Kumar Bhardwaj's body in the mortuary of Civil Hospital Garhshankar, I am coming to inform you with my relative Daya Singh, son of Ajit Singh, resident of Meghwal, Police Station Mahilpur. I have given you my statement, which I have read and found correct. Sd/: Aarti Devi.”

3. Learned counsel for the petitioner contends that the petitioner has not been named in the FIR nor any averment has been made, which connects the petitioner with the commission of crime. He further contends that even during

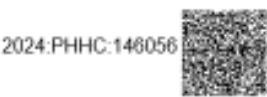


the course of investigation, it has not been found that the petitioner had participated in the occurrence in any manner and she has been dragged in the case only because of the fact that unfortunately, she happens to be real sister of Rahul Rai, the main accused. Learned counsel further contends that the petitioner was arrested in the present case on 01.04.2024 and she is a young unmarried sister of Rahul Rai. After completion of investigation, challan has already been presented against her and charge has been framed against her. He further contends that except the supplementary statement made by Aarti Devi on 01.04.2024, there is no other evidence against the present petitioner and even the said statement also completely exonerates her of the charge.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that serious allegations have been levelled against the present petitioner and she does not deserve the concession of bail by this Court.

5. I have heard learned counsel for the parties and perused the record.

6. In the present case, it is the admitted case of the prosecution that the petitioner has not participated in the occurrence. Even no evidence has been found with regard to her presence at the place of occurrence and it has been alleged that few days prior to the occurrence, she and her mother namely, Harjinder Kaur had threatened Sandeep Kumar Bhardwaj and Aarti Devi with dire consequences. Further, similarly placed co-accused, namely, Harjinder Kaur has been granted the concession of bail by this Court vide order of the even date.



7. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to her furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

08.11.2024.
hemlata

(N.S.SHEKHAWAT)
JUDGE

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