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

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Date of Decision : May 18, 2024

SUKHWINDER KAUR

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Aditya Sanghi, Advocate
for the petitioner.

Mr. Bhupender Singh, DAG, Haryana.

Mr. Arpandeeep Narula, Advocate
for the complainant.

KULDEEP TIWARI, J. (Oral)

1. Through the instant petition filed under Section 439 Cr.P.C. the petitioner prays for grant of regular bail in case FIR No.154 dated 4.8.2023, under Sections 302/34, 120-B/323/109 IPC and under Section 75 of the Juvenile Justice (Care and Protection of Children) Act, 2015 No.2 of 2016, registered at Police Station Baragudha, District Sirsa, Haryana.

2. The prosecution agency was set into motion on a complaint made by the complainant-Sohan Singh. The relevant extract of the statement reads as under:-

“According to the complaint dated 04.08.2023 of the complainant Sohan Singh, he is an agriculturist. He has one son and one daughter and both are married. His daughter Amritpal Kaur was



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married to Balkaur Singh about 17 years ago. After sometime of the marriage, Balkaur Singh used to quarrel with Amritpal Kaur time and again because he had illicit relations with some other woman and he used to say her that he wanted to get rid of her so that he could perform second marriage and his parents, relatives, uncle Darshan Singh, Ex-Sarpanch and his son Chamkaur had also helped him. The panchayats were also convened 2/3 times and they made him understand that his daughter Sukhmandeep Kaur and son Jagmohan Singh are of marriageable age and that he should not spoil his married life but he did not understand and filed a divorce petition in the court and turned the deceased out of village Sukhchain. Thereafter after one year, somehow they left his daughter at village Sukhchain after convening a panchayat. However, after sometime Balkaur Singh and his parents again started harassing the deceased and asked her to leave her matrimonial home and she informed them about the same. The complainant had come to village Sukhchain on 03.08.2023 in order to meet his daughter Amritpal Kaur and he tried to persuade her in-laws. On 04.08.2023 at about 11.00/11.30 AM, he went towards bus stand side from the house of his daughter for walk and when he reached near bus stand, he heard hue and cry from her house and he ran towards her house and found that Balkaur Singh and his parents were saying that they have done the needful and they should run from there and he found that Balkaur Singh was having an iron rod and a sharp edged weapon and Boota Singh was also armed with an iron pipe. At that time, Balkaur Singh pushed the complainant and fled away from the spot along with his parents and the weapons. Then the complainant went inside and found that his daughter was lying in naked condition and her both hands were tied with a Chunni and many injuries were inflicted on her head and blood was oozing and there were marks of injury on her left elbow. He raised alarm which attracted many persons of the village.”

3. On perusal of the contents of the FIR, the only allegation against the petitioner is that she was present in the house. when the

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occurrence took place, though no overt-act has been attributed to the petitioner. The investigation was carried out and on dated 5.8.2023 the main accused Balkaur Singh was arrested and he suffered disclosure statement. The relevant extract of the disclosure statement reads as under:-

"I become furious, then I Picked up Iron Pipe from adjoining room & gave two-three blows upon the head of my wife Amritpal Kaur, who fell down, then I tied both her hands with Chunni from behind at her waist, then gave 6/7 blows of Iron pipe upon the head of my wife and fled from the spot, while carrying Iron pipe. Iron pipe used in the occurrence have been stashed by me, in a room built in my fields at Mandar Pura, Tehsil Nauhar, District Hanumangarh (Rajasthan). Except me, no one else knows about it."

4. Thereupon on the next day, he retract from his earlier version and suffered another disclosure statement. The relevant extract of the disclosure statement reads as under:-

"I had spoken lie about stashing of Iron Pipe at Mandar Pura, Tehsil Nohar, District Hanumangarh (Rajasthan) in a room built in my fields, so that Police shall not go there and I shall be saved from punishment. Now I want to tell you some other truth also that my father Buta Singh was saying to me repeatedly that you may get rid of Amritpal somehow, thereafter I shall get perform your second 23 marriage and shall not allow anything happened to you. By saying this my father used to provoke me. Therefore upon the asking of my father I have committed murder of my wife. I have stashed Iron pipe used during the incidence upon the room of Tubewell room built in my field at Village Sukhchain. Except me, no one else knows about it. I can accompany along with you and can effect recovery of the same upon spotting." The accused also got the demarcation of the place, as per his disclosure statement."

5. In both the disclosure statements of the co-accused Balkaur

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Singh, no role whatsoever, is attributed to the present petitioner. The recovery of weapon was got effected by Balkaur Singh, husband of the deceased. Though there are allegations against the present petitioner that she also used to harass and take side of her own, son but on the fateful day, there is no such allegation that the petitioner was involved in committing the murder of deceased-Amritpal Kaur.

6. The learned State counsel, as well as the learned counsel for the complainant have opposed the grant of regular bail to the petitioner on the ground that it is a brutal murder, as Balkaur Singh first tied up the deceased and thereafter she was given merciless beatings, while she lying in a naked condition.

7. Be that as it may, this Court has examined the entire issue in its totality.

8. It surfaced from the record that earlier Balkaur Singh had filed a divorce petition against Amritpal Kaur, which was subsequently withdrawn on dated 11.4.2018. Infact the motive and the allegations for causing murder are mainly on co-accused Balkaur Singh, son of the present petitioner.

9. Be that as it may, since the petitioner, who is a lady of 65 years of age, has suffered incarceration of about 9 months as on today, as she is behind the bars since 24.8.2023 and she is not involved in any other criminal case and the fact that the prosecution has moved application under Section 319 Cr.P.C., therefore, the conclusion of the trial would take a long time, this Court deems it fit and appropriate to

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extend the benefit of regular bail to the petitioner. Therefore, the present petition is **allowed**.

10. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

11. However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

May 18, 2024

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(KULDEEP TIWARI)**JUDGE**

Whether speaking/reasoned. : Yes/No

Whether Reportable. : Yes/No