

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

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2024:PHHC:017050

CRM-M-61796-2023

Date of decision: February 07, 2024

SUMAN DEEP KAUR @ SAMANDEEP KAUR

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Tanvir Joshi, Advocate
for the petitioner.

Mr. Mohit Kapoor, Additional Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.118 dated 07.06.2021 (Annexure P-1) under Sections 302, 177, 182, 34, 120-B of the Indian Penal Code, 1860, registered at Police Station Sadar Sri Muktsar Sahib, District Sri Muktsar Sahib.

2. As per the allegations levelled in the FIR in question, which has been annexed as Annexure P-1, deceased-Sandeep Singh was averse to the alleged illicit relationship between his sister i.e. the petitioner and co-accused Ankush Kumar and Gagandeep Singh; resultantly, the deceased was eliminated at the behest of the petitioner.

3. Learned counsel for the petitioner *inter alia* contends that the case in hand rests on circumstantial evidence. As per the allegations levelled in the FIR itself, the deceased on the fateful evening at about 8 o'clock had gone out

from his house to the grocery store and thereafter, did not return; a search was carried out by the mother and wife of the deceased and it was on the following morning that the dead body of the deceased was recovered from the fields of one Malkeet Singh. Learned counsel for the petitioner submits that there was no material on record to even remotely link the petitioner with the crime in question, much less of her having participated in the murder of her brother as it was a matter of record that she was very much present inside the house when her deceased brother left for the grocery store and even thereafter.

4. It has been further submitted by the learned counsel for the petitioner that both the co-accused, with whom the petitioner was allegedly into relationship, had since been extended the concession of bail vide order dated 05.10.2023 (Annexure P-2) as they too had been arrayed as accused on the basis of an alleged extrajudicial confession made before one Balkaran Singh, who was neither a person holding any position or office nor someone who was well-acquainted with either of the co-accused or for that matter, even with the petitioner. It has still further been submitted that the petitioner has now been in custody for more than 2½ years having been arrested on 09.06.2021 and all the material witnesses including the wife of the deceased stand examined, hence, there is no possibility of the petitioner trying to tamper with the evidence or trying to influence the witnesses, coupled with the fact that 21 prosecution witnesses still remain to be examined. Hence, further incarceration of the petitioner would serve no useful purpose.

5. Learned State counsel has filed the status report by way of an affidavit of the Deputy Superintendent of Police, Sub Division Sri Muktsar Sahib on behalf of the respondent-State. A copy thereof has been supplied to

the learned counsel for the petitioner. While opposing the prayer and submissions made by the learned counsel for the petitioner, learned State counsel, on instructions, has not been able to dispute that all the material witnesses stand examined and that the case in hand hinges on circumstantial evidence. He has also not been able to controvert the submissions made by the counsel opposite and the alleged role of the petitioner of being a conspirator having come to light in the extrajudicial confession allegedly made by the co-accused before one Balkaran Singh, that they were in an illicit relationship with the petitioner; the murder had been committed as the deceased was averse to the same.

6. On a pointed query put to the learned State counsel as to whether there was any other material collected by the prosecution to link the petitioner with the crime in question, he, on instructions, has submitted that the only role attributed to her was of being a conspirator to the crime.

7. I have heard learned counsel for the parties and perused the relevant material placed on record.

8. The petitioner, who is a lady, has been in custody since 09.06.2021. All the material witnesses stand examined; 21 prosecution witnesses however still remain to be examined. Hence, there is no likelihood of the trial concluding in the near future.

9. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of regular bail to the petitioner as the trial would take considerable time to conclude. The petition as such is allowed; the petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate.

10. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

February 07, 2024
Jaspreet Kaur

(MANJARI NEHRU KAUL)
JUDGE

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