

(238)
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-61750-2023
Date of Decision: 26.02.2024

RAMJEET KAUR

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. J.K. Singla, Advocate
for the petitioner.

Mr. Deepinder Singh Brar, Addl. DAG, Punjab.

Mr. Jashanjot Singh Oppal, Advocate
for the complainant.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail in case bearing FIR No.92 dated 08.10.2023 registered under Sections 306, 34 IPC, 1860 (Act No.45 of 1860) at Police Station Sadar Budhlada, District Mansa.

2. The present FIR came to be registered at the instance of Surjan Singh son of Gian Singh and the same reads as under:-

“Statement of Surjan Singh Son of Gian Singh Son of Jang Singh, resident of Chak Bhai Ke, aged about 39 years, M.No.95012-13754 stated that I am resident of above mentioned address and working as agriculturist. My father has been expired in the year 1999. We are three brothers and sisters. I am elder from all. My sister Kiranjeet Kaur is younger to me who is married with Harpreet Singh Son of Jagsir Singh, resident of Maachi-ke (Moga). Deceased

Harpreet Singh alias Kala was youngest from all. Marriage of my brother Harpreet Singh was solemnized in the year 2013 with Ramjeet Kaur daughter of Dharminder Singh Son of Nirmal Singh, resident of Big Tibba, District Barnala. Marriage of Ramjeet Kaur solemnized at Dhuri by her aunt (Bua) Baljinder Kaur wife of Late Surinder Singh Son of Narinder Singh, resident of Dhuri. One boy namely Tanvir Singh aged about 9/10 years was born out from their wedlock. We started residing separately after little bit time from marriage of Harpreet Singh. There is small wall between our both houses. My deceased brother Harpreet Singh alias Kala went Cyprus/abroad in the year 2022. My mother Beant Kaur was residing with my sister-in-law (Bhabhi) Ramjeet Kaur in their house. My brother Harpreet Singh alias Kala sent his hard earned money in the bank account of my sister-in-law (Bhabhi) Ramjeet Kaur. My sister-in-law (Bhabhi) Ramjeet Kaur was restrained him coming to village because my sister-in-law (Bhabhi) is having illicit relations with Karnail Singh Son of Malkeet Singh, resident of village Saraud, District Malerkotla. Earlier also Ramjeet Kaur and above said Karnail Singh apprehended in objectionable condition at house of my brother Harpreet Singh. Upon apologize by them and due to fear of our insult, the matter has been disposed off. Our family and my above said brother Harpreet Singh came to know about this. My deceased brother Harpreet Singh alias Kala come to his house Chak Bhai-Ka from abroad on 19.09.2023. My sister-in-law (Bhabhi) Ramjeet Kaur was not happy upon coming him to house and nor served him anything. My sister-in-law (Bhabhi) Ramjeet Kaur gone to her parents house after 3/4 days. My deceased brother Harpreet Singh alias Kala told me and Satpal Singh Son of Sukhdev Singh, Karamjeet Singh Son of Teja Singh, residents of Chak Bhai-Ke that "Ramjeet Kaur told me that

illicit relations of mine and Karnail Singh will be maintained as like as, you want die then may die, they ruined my life hell." Due to harassment at their hands, on 07.09.2023 at about 10/11 in day my brother Harpreet Singh alias Kala consumed Sulphas tablets at his house. Then, we by making arrangement of vehicle took my brother Harpreet Singh in Doctor Vivek Heart & Multi-Specialty Hospital, Mansa for treatment and where Doctor Sahib after providing first-aid to my brother Harpreet Singh and referred to DMC Ludhiana for treatment due to his deteriorating condition and died at DMC Ludhiana on yesterday night at about 10/11. Whose dead body brought at Government Hospital, Budhlada. Legal action be taken against Ramjeet Kaur and Karnail Singh. Statement was recorded with you, heard, correct. Sd/- Surjan Singh."

3. The learned counsel for the petitioner contends that she has been falsely implicated in the present case. In fact, co-accused Karnail Singh was her cousin brother and not her paramour. The FIR in question had been registered at instance of the complainant with an intent to grab the land of the deceased which was evident from the fact that the deceased had himself transferred his land measuring 25 kanals in favour of his mother on 04.10.2023 under pressure of his family members, a few days prior to his death. The deceased had not left behind any suicide note with regard to the allegations levelled in the FIR. However, taking the allegations to be correct, merely because the petitioner was having an affair with Karnail Singh did not amount to abetment in the absence of any specific act or omission on her part. Karnail Singh himself had been granted the concession of anticipatory bail by this Court. As the petitioner was a first-time offender, in custody since 09.10.2023 and none of the 20 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.

4. A status report dated 24.02.2024 by way of an affidavit of Gurpreet Singh, PPS, Deputy Superintendent of Police, Sub-Division Budhlada, District Mansa has been filed on behalf of the State by the learned counsel for the State. The same is taken on record. While referring to the reply, he along with counsel for the complainant contend that serious allegations had been levelled against the petitioner and Karnail Singh. In fact, the illicit relations between the petitioner and her co-accused Karnail Singh led to the deceased committing suicide. Therefore, she was not entitled to the concession of bail. They, however, concede that the petitioner was a first-time offender, in custody since 09.10.2023 and none of the 20 of the prosecution witnesses had been examined so far and that co-accused Karnail Singh had been granted the concession of anticipatory bail.

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

6. The veracity of the prosecution case against the petitioner and her co-accused shall be adjudicated upon during the course of the Trial. Admittedly, the petitioner is a first-time offender, in custody since 09.10.2023 and none of the 20 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, the further incarceration of the petitioner is not required.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Ramjeet Kaur D/o Harinder Singh 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.

8. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

26.02.2024
JITESH

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