

CRM-M-63144-2023

Date of Decision:29.01.2024

Parveen Kaur

...Petitioner

VS.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S. Shekhawat**Present :** Ms. Ramandeep Kaur, Advocate
for the petitioner.

Mr.M.S.Bajwa, Deputy Advocate General, Punjab.

Mr. P.K.S. Phoolka, Advocate
for the complainant.

N.S.Shekhawat J. (Oral)

1. Status report by way of an affidavit of Deputy Superintendent of Police, Sub-Division Lambi, District Sri Muktsar Sahib has been filed on behalf of the respondent-State in Court today and the same is taken on record.
2. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail to her in case FIR No.252 dated 04.09.2021 registered under Sections 302, 201 & 34 of IPC, at Police Station Lambi, District Sri Muktsar Sahib.
3. The FIR in the present case was got registered by Jagpal Singh alias Satnam Singh, brother of the deceased and the FIR has been reproduced below:-

*“Statement of Jagpal Singh @ Satnam Singh aged about
24 Years son of Gora Singh Resident of Bhati Colony, Street No.*

03, Mandi Killianwali; Mb. No. 95014-98012. Stated that I am a resident of the above address and working as motorcycle mechanic at Chotala Road Mandi Dabbwali. We are 02 brothers i.e. me and my younger brother Satpal Singh @ Mannu and one sister Rupaljit Kaur who is married to Vikas Basal resident of Hisar. My brother Satpal Singh is working with me as motorcycle mechanic and I live in a house with my parents and brother. In our street, the house of Mohan Singh @ Mohni son of Resham Singh @ Anokha Singh is near our house and Mohan Singh was married with Parveen Kaur resident of Khanna and that both husband-wife and their son of 7/8 years are residing in their house. About two months ago, Mohan Singh's Bhua's son namely Jaspreet Singh son of Sukhjit Singh, resident of Waring Khera, was also residing in the house of Mohan Singh. My brother Satpal Singh was in love with Parveen Kaur for about 7/8 months due to which both of them used to meet each other in the early morning, which offended Mohan Singh, Jaspreet Singh and they used to keep grudge against my brother. Due to which, both of them threatened to kill my brother 2/3 times, and my brother also told me about it, but we did not take the matter seriously. On the night of 2-3.09.2021, at about 12:00 in the night, the said Mohan Singh and Jaspreet Singh knocked on the door of our house, when I opened the door, they said that they had to consult Satpal Singh to go for some work and he should be called. So I woke up my brother Satpal Singh and my father Gora Singh also got up. When he asked me, I told him the whole thing. Then my brother Satpal Singh told us that he would come back till morning and went with them. At that time, our bulb was switched on in the street but my brother did not come home till morning. We went to Mohan Singh's house and saw that his room was locked and Mohan Singh, Jaspreet Singh and Parveen Kaur were not found. Then we kept on asking about my brother from his friends etc.

Then yesterday on 03.09.2021 at about 06:30 PM we found my brother's dead body lying in the field about 100 yards behind Mohan Singh's house. He was bleeding due to the injury on the back of his head and there were signs of torture on his neck. Then we took my brother's body to the Government Hospital Dabwali, where the doctor checked and declared that Satpal Singh had died. And his body was kept in Mortuary of Government Hospital Dabwali and all of us came home crying in shock. My brother was murdered by Mohan Singh, Jaspreet Singh and Parveen Kaur, due to the grudge of having an illicit relationship with Parveen Kaur. They threw his body the in field with the intention of destroying it. Today, I along with my father Gora Singh and reached relatives other Civil Hospital Dabwali, where you along with police party were present, where statement has been recorded to you, the same is heard and is found correct. I am aggrieved. Action be taken. Sd/- Jagpal Singh.”

3. Learned counsel for the petitioner contends that the petitioner has been falsely involved in the present case as the complainant suspected that the present petitioner was having love affair with Satpal Singh. In fact, the petitioner has been falsely involved as unfortunately, she happens to be the wife of Mohan Singh alias Mohni, main accused. Learned counsel for the petitioner further contends that even as per the story of the prosecution, the petitioner had only caught hold of the legs of the deceased and had not caused any injury to the deceased. Learned counsel next contends that even the petitioner had no reason to participate in the alleged occurrence and was wrongly arrested on 05.09.2021. Learned counsel further contends that the petitioner is in custody for the last more than 2 years and 4 months and the prosecution has only

examined 3 witnesses, out of total 27 witnesses, so far.

4. On the other hand, learned State counsel assisted by learned counsel for the complainant have vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner along with her co-accused Mohan Singh and Jaspreet Singh had killed Satpal Singh, brother of the complainant. Even she was present at the spot and had actively participated in the commission of crime.

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

6. As per FIR, Mohan Singh and Jaspreet Singh had taken away Satpal Singh, brother of the deceased and both of them have been assigned specific roles by the complainant. However, it has been alleged that the petitioner had also conspired with her co-accused Mohan Singh and Jaspreet Singh. Still further, no recovery has been effected from the present petitioner and she is in custody since 05.09.2021. Moreover, as per case of the prosecution itself, the petitioner had not caused any injury to the deceased and her case is distinguishable from the case of Mohan Singh and Jaspreet Singh. The petitioner is in custody for the last more that 2 years and 4 months and there is no other criminal case registered against her.

6. 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.

(N.S.SHEKHAWAT)
JUDGE

29.01.2024
hemlata

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