

In The High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-65112-2023 (O&M)
Date of Decision:- 09.01.2024

Amrit Kaur ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Angel Walia, Advocate, for the petitioner.

Mr. Sanish Girdhar, AAG, Punjab,
assisted by ASI Ranjodh.

Ms. Komalpreet Kaur, Advocate, for the complainant.

FIR NO.	DATE	POLICE STATION	OFFENCES
148	22.7.2023	Ajnala, District Amritsar	Under Section 302 IPC (Section 120-B of IPC added later on)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in a case registered in a case arising out of above mentioned FIR.
2. The FIR was lodged at the instance of Narinder Kumar wherein it is alleged that on 21.7.2023 when he alongwith his brother Vijay Kumar and his cousin Pardeep Kumar were present in their house at about

8.30 pm, then shortly thereafter Pardeep Kumar went out after taking meals, but did not return home during the night. On the next morning, they went to look for him and his dead body was found near New Dana Market, Ajnala who was found to have been brutally murdered by inflicting injuries on his neck, head and face.

3. Learned counsel for the petitioner submits that neither is anybody named in the FIR nor is there any eye-witness to the alleged occurrence and that the petitioner has been roped-in on the basis of her alleged extra judicial confession before none else but a cousin of the deceased himself and that such like extra judicial confession would hardly carry any evidentiary value.
4. Opposing the petition, learned State counsel assisted by learned counsel for the complainant submitted that since the petitioner confessed her guilt before Vijay Kumar by specifically admitting that she had asked her husband Raman to eliminate Pardeep Kumar as he had been defaming her and had been sending objectionable messages to her and that accordingly her husband Raman killed Pardeep Kumar on 21.7.2023. Learned State counsel submitted that having regard to the aforestated extra judicial confession, the complicity of the petitioner is clearly evident. Learned State counsel has however, informed that the petitioner as on date has been behind bars since the last about 5 months and 14 days. It has also been informed that although challan has been presented, but charges are yet to be framed and that the petitioner otherwise is not involved in any other case.
5. This Court has considered the rival submissions.

6. It is not in dispute that it is a case based totally on circumstantial evidence wherein neither the petitioner is named in the FIR and nor is even alleged to have murdered the deceased. The only allegation based on the alleged extra judicial confession is that she had coaxed her husband to eliminate Pardeep Kumar, who according to her had been making defamatory remarks against her and had been sending obscene messages. The petitioner otherwise has been behind bars for a substantial period of more than 5 months. Investigation is already complete and challan stands presented. Conclusion of trial is likely to consume time inasmuch as even charges have not been framed so far. Bearing the aforesaid facts in mind and while also in view of the fact that the petitioner is a lady, the petition is accepted and the petitioner is ordered to be released on bail subject to her furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

09.01.2024

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No