



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

224

1.

CRM-M-57566-2024

Date of decision: 17.03.2025

Sukhjinder Kaur

.....Petitioner

Versus

State of Haryana

.....Respondent

2.

CRM-M-65121-2024

Date of decision: 17.03.2025

Surjeet Singh alias Bagga

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Angad Chahal, Advocate with
Mr. Gurkirat Singh, Advocate
for the petitioner in CRM-M-57566-2024.

Mr. Jasveer Singh Dhaliwal, Advocate
for the petitioner in CRM-M-65121-2024.

Mr. Rajat Gautam, Addl. A.G. Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioners are seeking the concession of bail under Section 439 of the Cr.P.C./483 of the BNSS, 2023 in case FIR No.158 dated 01.07.2023 under Sections 323, 324, 307 of the IPC (Sections 302, 120-B, 34 of the IPC added lateron) registered at Police Station Ding, District Sirsa.

2. On 22.11.2024, following order was passed in CRM-M-57566-2024 and thereafter the case was adjourned:



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“Learned counsel for the petitioner inter alia contends that the present case hinges on circumstantial evidence and a highly improbable story has been coined by the prosecution that the petitioner who was in a relationship with the deceased, had lured him into her own house and thereafter along with her husband i.e. prime accused Bagga Singh done him to death; after the crime had been committed, the dead body was transported from the house of the petitioner to a certain distance and thereafter dumped over there. It has been submitted that both the complainant, (brother of the deceased) and another brother of the deceased, while stepping into the witness box, had not supported the case of the prosecution as a result of which they had been declared hostile. Learned counsel has, therefore, prayed that in the aforementioned facts and circumstances, moreso when the petitioner has been in custody since 28.07.2023 and no clear-cut motive has been brought forth against the petitioner to participate in the crime in question, the petitioner be enlarged on bail as 26 prosecution witnesses still remain to be examined.

Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has not disputed that the case at hand hinges on circumstantial evidence, however, it has been submitted that one material witness, PW Balkar Singh, who witnessed the dead body of the deceased being taken from the place of occurrence to an abandoned spot on the road, has not yet been examined and in case the petitioner is enlarged on bail, there is a strong likelihood that the most material witness PW Balkar Singh could be influenced/intimidated. Furthermore, it has been argued by learned State counsel that the factum of the dead body of the deceased being carried from the place of occurrence to an abandoned spot on the road, is also corroborated from a blood-trail emanating from the house of the petitioner leading upto the place where the dead body was eventually discovered. It has been submitted that the next date fixed before the learned Trial Court is 27.01.2025.”

3. Learned counsel for the petitioners submit that the remaining material witness Balkar Singh had since been examined and he too had failed to support the case of the prosecution as a result of which he was declared hostile. Learned counsel submit that in the



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above-mentioned facts and circumstances since all the material witnesses have not only been examined but have also been declared hostile before the learned Trial Court, further incarceration of petitioner Sukhjinder Kaur, who has been in custody since 28.07.2023 and petitioner Surjeet Singh @ Bagga, who has been in custody since 04.07.2023, would serve no useful purpose as 24 prosecution witnesses still remain to be examined.

4. Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioners, on instructions, has not been able to dispute that all the material witnesses stand examined and they all had been declared hostile by the learned Trial Court; the case at hand rests on circumstantial evidence and PW Balkar Singh, who had allegedly seen the petitioners removing the body of the deceased from the place of occurrence to an abandoned spot on the road, had also not supported the case of the prosecution during trial. However, learned State counsel has submitted that the weapon offence (*kappa*) was recovered from petitioner Surjeet Singh @ Bagga which clearly pointed to his involvement in the murder in question.

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

6. The instant case hinges on circumstantial evidence. The material witnesses, including the witness who allegedly spelt out the motive to commit the crime in question, as also conceded by the learned State counsel on instructions, were declared hostile during trial. The trial would take considerable time to conclude as 24 prosecution

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witnesses still remain to be examined. In the facts and circumstances and keeping in mind the custody period of the petitioners, this Court deems it fit to extend the concession of bail to the petitioners.

7. Accordingly, both the petitions are allowed. The petitioners be admitted to bail on their furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. 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.

8. Needless to add, in case the petitioners misuse the concession of bail granted to them, the State would be at liberty to seek cancellation of the same.

9. A photocopy of this order be placed on the file of other connected case.

17.03.2025

(MANJARI NEHRU KAUL)
JUDGE

Vinay

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No