
(2007) 12 P&H CK 0159

High Court Of Punjab And Haryana At Chandigarh

Case No: Criminal Miscellaneous No. 36343-M of 2007

Lovepreet Kaur

APPELLANT

Vs

State of Punjab

RESPONDENT

Date of Decision: Dec. 14, 2007

Acts Referred:

- Penal Code, 1860 (IPC) - Section 109, 302, 34

Citation: (2008) 2 RCR(Criminal) 314

Hon'ble Judges: Surya Kant, J

Bench: Single Bench

Advocate: Satwant Singh Ranghi, for the Appellant; Rajesh Bhardwaj, D.A.G., Punjab and Mr. G.S. Sandhu, for the Respondent

Final Decision: Allowed

Judgement

@JUDGMENTTAG-ORDER

Surya Kant, J.

The prayer in this petition is to release the Petitioner on regular bail in FIR No. 241 dated 3.10.2006, under Sections 302, 34 IPC in which Section 109 IPC has been added later on, registered at Police Station, Sunam, District Sangrur.

2. The above stated FIR has been registered on the statement of Bharpur Singh s/o Sawan Singh, who has, inter alia, alleged that the Petitioner herein was married to the complainant's son, Kesar Singh, who died an unnatural death on 29.4.2006. The dead body of the complainant's son was recovered from a canal passing through near village Lehragagga. It is alleged that he had a doubt from the very beginning that his son was murdered by someone and that he has now come to know that his daughter-in-law, namely, the Petitioner was having illicit relations with Amritpal Singh s/o Chhajju Singh and both of them used to meet secretly. It was in order to remove the complainant's son from their way that the Petitioner and the said Amritpal Singh hatched a conspiracy and

pursuant thereto, Amritpal Singh offered liquor to the complainant's son, who was later on done to death and his dead body was thrown in the canal. It is alleged that when the dead body was recovered, it bore various injuries including one on the head of the deceased, caused by a sharp edged weapon. The complainant has further alleged that at the time of Rasam Pagri of his deceased son, the Petitioner (Lovepreet Kaur) insisted to place the Pagri on the head of Amritpal Singh as she would like to tie herself with Amritpal Singh only.

3. As may be noticed from the allegations contained in the FIR, the complainant's son died on 29.4.2006 whereas the FIR was got registered by him on 8.7.2006.

4. It appears that in order to bring the guilty home, the prosecution relied upon two extra-judicial confessions, viz, the one suffered by the Petitioner and Amritpal Singh before one Rajender Singh and the other by their co-accused Yadvinder Singh and Jaspal Singh @ Nika, who were allegedly engaged by the Petitioner and Amritpal Singh to commit the murder of the Petitioner's husband, before one Harjit Singh s/o Natha Singh.

5. The Petitioner was arrested on 6.10.2006 and is custody since then. Meanwhile, after presentation of challan and framing of charges some of the prosecution witnesses, including the star witnesses, namely Rajender Singh and Harjit Singh, before whom the extra-judicial confessions were made have been examined but unfortunately, none of the two has supported the prosecution case.

6. It is stated by Learned State Counsel that though about 15 witnesses are yet to depose, however, most of them are official witnesses only. In these circumstances, there is no likelihood of tampering with and/or influencing the prosecution evidence by the Petitioner. The Petitioner is stated to be mother of two minor children, aged about 4-1/2 years and 2 years. It is alleged that there is none in the family to look after the children.

7. After hearing Learned Counsel for the parties and having regard to all the attending circumstances and the nature of evidence on the basis of which the prosecution case rests upon, however, without expressing any views on the merits of the case lest it should prejudice either of the parties, this petition is allowed and the Petitioner is directed to be released on bail to the satisfaction of Chief Judicial Magistrate, Sangrur.