

Law Today Live Doc. Id. 15587

PUNJAB AND HARYANA HIGH COURT

Before: Gurvinder Singh Gill, J.

CRM-M-34096-2020 (O&M)

Decided on: 04.11.2020

Deepika Sikka

Petitioner

Versus

State of Haryana

Respondent

Present:

Mr. K.D.S. Hooda, Advocate for the petitioner.

Mr. Karan Sharma, AAG, Haryana.

(proceedings conducted through video conferencing)

Indian Penal Code, 1860 (45 of 1860), Section 302, 201, 120-B, 34 -- Code of Criminal Procedure, 1973 (2 of 1974), Section 439 -- Murder case -- Regular bail -- Incriminating role of the petitioner as disclosed in the supplementary statement of complainant after about 8 days of the death of the deceased is basically that she had conspired and connived with the co-accused and is not stated to have herself murdered the deceased - - Petitioner is a lady, who has been behind bars since the last about 11 months and conclusion of trial is likely to take time as none of the cited 28 PWs has been examined -- Further detention of the petitioner will not serve any useful purpose -- Petition accepted, petitioner is ordered to be released on regular bail.

(Para 7,8)

GURVINDER SINGH GILL, J. (ORAL) –

1. The petitioner seeks grant of regular bail in a case registered vide FIR No.442 dated 18.11.2019 under Sections 302/201 IPC (lateron Sections 120-B/34 IPC added) at Police Station Rai, District Sonapat.

2. The FIR in question was lodged at the instance of Jagtar Singh wherein it is alleged that on 13.11.2019, his younger son Gagandeep Singh left home in order to proceed to Jalandhar in connection with applying for a VISA. It is alleged that although complainant's daughter-in-law had spoken to Gagandeep Singh at about 4:15 p.m. through video call but his phone was switched off after 4:50 p.m. It is alleged that on the next date i.e. on 14.11.2019, he received information from police post Rajiv Gandhi Education City Rai, Sonapat that dead-body of his son had been found in the area of village Barkhalsa. Upon receipt of said information, the complainant went to the said place and identified the dead-body of his son. Upon returning back to his residence, he discussed the matter with his family and he strongly suspected that some unknown persons had murdered his son.

3. The learned counsel for the petitioner has submitted that he is nowhere named in the FIR and infact even in the statement of the complainant recorded in terms of Section 174 Cr.P.C. he did not suspect anybody and rather specifically stated that they did not intend to take any legal action. It has further been submitted that even when the statement of complainant's elder son

Gurpreet Singh was recorded on 14.11.2019, even he did not suspect any foul play and stated that they did not intend to take any legal action.

4. The learned counsel for the petitioner has submitted that subsequently on 22.11.2019, the complainant got a supplementary statement recorded wherein he alleged that one Simranjit Singh was having illicit relations with complainant's daughter-in-law Deepika Sikka wife of Gagandeep (deceased) and that Simranjit Singh in connivance with the petitioner and another accused had eliminated Gagandeep. The learned counsel has submitted that it remains unexplained as to why the complaint did not come with the aforesaid version when FIR was recorded. It has, thus, been submitted that a concocted version has been put forth in the supplementary statement.

5. On the other hand, the learned State counsel has submitted that since there are categoric allegations in the supplementary statement (Annexure P-4) made by the complainant and since the co-accused Danish had also disclosed that it was the petitioner who had informed about the movement of her husband (deceased) to Simranjit who further informed about the same to other co-accused, the complicity of the petitioner is clearly evident. The learned State counsel has, however, informed that the petitioner has been behind bars since the last about 11 months and till date not even a single PW out of the cited 28 prosecution witnesses have been examined.

6. I have considered rival submissions addressed before this Court.

7. Having regard to the facts and circumstances of the case especially that the incriminating role of the petitioner as disclosed in the supplementary statement of complainant recorded after about 8 days of the death of the deceased is basically that she had conspired and connived with the co-accused and is not stated to have herself murdered the deceased and while also keeping in view that the petitioner is a lady, who has been behind bars since the last about 11 months and that conclusion of trial is likely to take time as none of the cited 28 PWs has been examined, further detention of the petitioner will not serve any useful purpose.

8. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on her furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

Petition allowed.
