

2025:PHHC:072160



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

211

CRM-M-50488-2024

Date of decision: May 27, 2025

SHAKUNTLA

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Brijesh Nandan, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab
With ASI Gurmeet Singh.

MANJARI NEHRU KAUL, J. (ORAL)

1. The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.127 dated 25.07.2022 under Sections 302, 201, 34, 120-B of the Indian Penal Code, 1860, registered at Police Station Sarai Adampur, District Jalandhar (Annexure P-1).

2. Learned counsel for the petitioner contends that the instant case is based on circumstantial evidence; there is not even a shred of any qualitative evidence to link the petitioner (mother-in-law of the deceased) with the murder in question. It has been submitted by the learned counsel for the petitioner that after 3 days of the murder in question, the brother of the deceased made a statement, wherein for the first time, he alleged that the petitioner and her sons were unhappy with the marriage of the deceased with his daughter, and therefore, he suspected her involvement in the crime in question. Learned counsel has submitted that even otherwise, the dead body



of the deceased was recovered from open area by the roadside; there was neither any witness of last seen nor any recovery of weapon of offence effected from her.

3. It has been further submitted by learned counsel for the petitioner that the petitioner has not been in custody since 28.07.2022. He has submitted that after the charges were framed on 19.12.2022, only 3 prosecution witnesses out of the 21 cited had been examined, and therefore, there was no possibility of the trial concluding in the near future.

4. *Per contra*, learned State counsel, while opposing the prayer and submissions made by the counsel opposite, has not disputed that the petitioner has been in custody since 28.07.2022, and till date, only 3 out of the 21 prosecution witnesses cited have been examined. He, on instructions, has also not disputed that the present case is based on circumstantial evidence. On further instructions, learned State counsel has not disputed that there was neither any witness of last seen nor any weapon of offence was recovered from the petitioner. However, he has asserted, on instructions, that the petitioner had a motive to conspire with the co-accused to carry out the murder in question as she had been unhappy with the marriage of her daughter with the deceased .

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

6. It would be apposite to reproduce the FIR (Annexure P-1), which was registered against unknown persons, hereinafter: -



“Statement of Rajinder Kumar son of Dharmapal Resident of House No. 107/RA Street No. 02, New Upkar Nagar, Lam Village Police Station Division No. 08 Jalandhar Aged 60 years Mobile:- 7696857696 declare that I am a resident of said address and doing domestic work. I have 03 sons. In which eldest boy is Loveleen Kumar, younger to him Sawan Kumar and youngest is Vivek Kumar. D My elder son Loveleen Kumar performed marriage with Paramjit Kaur daughter of Jaswinder Singh resident of village Jalbhai, police station Adampur district Jalandhar in the year 2014 against my and my family's wishes. Due to which I dis-owned my son Loveleen Kumar from my movable and immovable property. Who started residing in village Jalbhai with his wife (Paramjit Kaur) who was blessed with 2 children, Eldest son was 07 year old, who died 3 months ago. About whose death my son did not disclose me or to my family. Today on 25.07.2022 at 07:00 AM I was present at my house, my daughter-in-law Paramjit Kaur called on mobile phone of my son Vivek Kumar that my son Loveleen Kumar was killed by an unknown person on Safipur Road and they tried to set fire. Whose dead body is lying there? I came with my boy Vivek Kumar to Jalbe village by chance. Who in written a statement stated that he has seen the dead body of his son Loveleen Kumar. Appropriate legal action should be taken against the unknown persons who killed my son. And let me and my family be treated fairly. After finding my statement true and correct signed the same. SD/-Rajinder Kumar and SD/-Vivek Kumar”

7. The petitioner came to be nominated as an accused subsequently on the basis of a supplementary statement made by the brother of the deceased, wherein for the first time, he spelt out the motive against the accused persons, including the petitioner, to carry out the crime in question. The trial is unlikely to conclude in the near future as 18 prosecution witnesses still remain to be examined.



8. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of regular bail to the petitioner as the trial would take considerable time to conclude.

9. Accordingly, the instant petition is allowed, and the petitioner be admitted to bail on her furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

10. 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.

11. Needless to add here, in case the petitioner is found misusing the concession of bail, the State would be at liberty to approach this Court to seek cancellation of bail to her.

May 27, 2025
Jaspreet Kaur

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*