

CRM-M-58829-2024

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

CRM-M-58829-2024
Reserved on: 02.05.2025
Pronounced on: 19.05.2025

Lovely alias Lovepreet ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Amandeep Singh Rai, Advocate
for the petitioner.

Mr. Akshay Kumar, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
126	21.06.2024	Mahilpur, District Hoshiarpur	302, 460 (Section 120B IPC added later on)

While dictating this judgment, this Court has found that order dated 21.04.2025 pertain to some other case, as such the said order is recalled for the reason that some wrong order was erroneously uploaded. It is clear that recalling of the said order would cause no prejudice to any party.

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.

2. In paragraph 13 of the bail petition, the accused declares that she has no criminal antecedents.

3. The facts and allegations are taken from the reply dated 07.04.2025, which reads as follows:

“That it is humbly submitted that FIR No.126 dated 21.06.2024, under Section 302, 460 (Section 120-B added lateron) of Indian Penal Code, was registered at Police Station Mahilpur, District Hoshiarpur, against unknown persons on the statement of complainant Manpreet Singh that on 20.06.2024 at about 03:00 PM, he alongwith his Bua (aunt) Sukhwinder Kaur, her daughter Sapna and granddaughter Angel as well as his second

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Bua (aunt) Gurdev Kaur and her daughter-in-law Anjali as well as Lovely another daughter of his aunt went to Peer Nigaha (HP). His father Rashpal Singh was alone at home. On 21.06.2024 at 09:00 AM, he received a phone call from his neighbourer Preeti that door of his house as well as the rooms are lying open, house hold articles are lying scattered and his father is not responding to the calls given by her. Then they all immediately came back from Peer Nigaha (HP) and saw that his father was lying on the bed. His mouth was strangulated with a cloth. His legs were tied with a cloth. There were injury marks on his cheeks. His hands were tied with cloth. His father was dead. House hold articles were lying scattered. Some unidentified person had entered his house on the night of 20/21.06.2024 with intent to commit theft and committed murder of his father and their house hold articles have been stolen.”

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State's counsel opposes bail and refers to the reply.

REASONING:

6. On 25.11.2024, Coordinate Bench of this Court had issued notice and subsequently on 16.01.2025, status report was filed and petitioner wanted time to file counter to the reply, which was granted. Thereafter on 23.01.2025, petitioner's counsel chose not to file counter and matter was adjourned. On 04.02.2025, this Court after perusing the reply, deemed it appropriate that petitioner should join investigation so that the investigation is conducted regarding call details etc. and to enable the petitioner to join investigation, her arrested was stayed.

7. Petitioner's counsel seeks bail on the ground that evidence against the petitioner is in the shape of disclosure statement and nothing else. State opposes the bail and submits that petitioner's custodial interrogation is required because she was the master mind and on her conspiracy, Kamaljeet had acted upon. State counsel also submits that conduct of main accused-Kamaljeet clearly infers that it was an understanding between the petitioner and Kamaljeet that if somebody noticed while committing theft then such persons have to be eliminated.

8. An analysis of the above arguments would lead to the following outcome.

9. There is an evidence of criminal conspiracy between the petitioner and co-accused Kamaljeet with posit understanding that in case, while committing theft somebody wakes up then such person might be eliminated and that was the motive for murder. In addition to that it shall be appropriate to refer to following portion of the reply, which reads as follows:-

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“That it is submitted that the offence of theft and murder of Rashpal Singh was committed by some unknown person during the night of 20/21.06.2024, when all the family members were away to Peer Nigaha (HP) and he was alone at the house. On the basis of supplementary statement of the complainant made on 26.06.2024, co-accused Kamaljit alias Kamal alias Kambu was nominated in this case. He was arrested on 26.06.2024 and on the basis of his disclosure statement made on 27.06.2024, stolen currency notes of Rs.7,90,000/- were recovered from his possession. The co-accused Kamaljit @ Kamal @ Kambufurther made disclosure statement on 29.06.2024 to the effect that he was instigated by the petitioner to commit theft in the house of Rashpal Singh and in conspiracy with her, he has committed this offence as he was in touch with her through mobile phone of his wife. The petitioner was nominated as accused with the aid of Section 120-B of Indian Penal Code. The allegations against the petitioner are very grave in nature. The custodial investigation/interrogation of the petitioner is very much required for proper probe of the present case.

EVIDENCE COLLECTED AGAINST THE PETITIONER:

13. That it is submitted that on the basis of supplementary statement of the complainant made on 26.06.2024, co-accused Kamaljit alias Kamal alias Kambu was nominated in this case and he was arrested on 26.06.2024 and on the basis of his disclosure statement made on 27.06.2024, stolen currency notes of Rs.7,90,000/- were recovered from his possession. The co-accused Kamaljit @Kamal @ Kambu further made disclosure statement on 29.06.2024 to the effect that he was instigated by the petitioner to commit theft in the house of Rashpal Singh and in conspiracy with her, he has committed this offence as he was in touch with her through mobile phone of his wife. The petitioner was nominated as accused with the aid of Section 120-B of Indian Penal Code. The petitioner joined investigation in the present case on 13.02.2025 and on 13.02.2025, the petitioner made confession and she corroborated the version of confession of her brother Kamaljit @Kamal @ Kambu that her brother Kamaljit @Kamal @Kambu committed the offences of the present case at her asking. Therefore, the present petition is liable to be dismissed.”

10. Considering the gravity of the offence and the investigation conducted so far, this Court is of the considered opinion that police is unable to collect evidence in the normal

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investigation. Keeping in view the seriousness of the offence, petitioner's custodial interrogation is required.

11. A perusal of the bail petition and the documents attached prima facie points towards the petitioner's involvement and does not make out a case for anticipatory bail. The impact of crime would also not justify anticipatory bail. Any further discussions will likely prejudice the petitioner; this court refrains from doing so.

12. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

13. **Petition dismissed.** Interim orders are recalled with immediate effect. Petitioner is directed to surrender in the concerned police station at the earliest. It is clarified that if after arrest of the petitioner, she files a petition for regular bail, observation made in the present petition shall not be considered while deciding the regular bail petition. All pending applications, if any, are disposed of.

(ANOOP CHITKARA)
JUDGE

19.05.2025
anju rani

Whether speaking/reasoned: Yes
Whether reportable: No.