

(2012) 01 SHI CK 0103
In the High Court Of Himachal Pradesh
Case No : Criminal MP (M) No. 1144 of 2011

Smt. Manpreet Kaur alias Preet

APPELLANT

Vs

State of Himachal Pradesh

RESPONDENT

Date of Decision : 09-01-2012

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 154, 439
Penal Code, 1860 (IPC) — Section 109, 302, 498A

Citation : (2012) 01 SHI CK 0103

Hon'ble Judges : Kuldip Singh, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Kuldip Singh, Judge

1. This is an application u/s 439 Cr.P.C. for releasing the petitioner on bail in FIR No. 358 of 2011 dated 16.11.2011 registered at Police Station, Paonta Sahib, District Sirmaur, under Sections 498-A, 302, 109 IPC.

2. It has been stated that the petitioner was arrested on 25.11.2011 and since then she is in custody. It has been stated that FIR has been registered against Balwinder Singh alias Radi on the allegations that he has committed murder of his wife Kamaljeet Kaur by sprinkling kerosene oil and setting her ablaze. The petitioner has nothing to do with the case. The petitioner is stranger to the present case. Balwinder Singh alias Radi has already been arrested and is in custody.

3. The petitioner is a married woman having children. She has neither committed or abetted the offence. The petitioner has been roped in falsely. The petitioner had filed bail application which has been dismissed by the learned Additional Sessions Judge, Sirmaur District at Nahan on 19.12.2011. The petitioner is ready to furnish bail bonds in accordance with the directions of this Court. A prayer has been made for releasing the petitioner on bail.

4. The bail application has been opposed on the basis of status report. It has been stated that the case has been registered on the statement of Kuldeep Singh u/s 154 Cr.P.C. He has stated that he married his daughter Kamaljeet Kaur about six years ago with Balwinder Singh alias Radi, who treated his daughter badly from the very beginning. Kamaljeet Kaur continued to tolerate the ill-treatment but ultimately she came to his house alongwith children. The elder brother of Balwinder Singh took back Kamaljeet Kaur on his responsibility. On 15.11.2011 Balwinder Singh burnt Kamaljeet Kaur by sprinkling kerosene oil on her, on this case was registered.

5. In the MLC, it has been stated that injured has received 70% burns. The injured made the statement at Dehradun that she got burn injuries from gas stove but the statement of injured is not in consonance with the allegations in the FIR, position at spot and MLC which indicate that injured was burnt by sprinkling kerosene oil. The statement of injured that she got burn injuries from gas stove was not found correct. The injured died on 24.11.2011.

6. On 26.11.2011 Ranjeet Kaur, aunt (Chachi) etc. stated that about 5-6 months back Kamaljeet Kaur had told that husband of Kamaljeet Kaur had illicit relations with Manpreet. They advised Balwinder Singh not to visit that woman but he ignored their advise. On 15.11.2011 they went to the house of Manpreet Kaur. She called Balwinder Singh on phone and told him that these people were asking her to leave him. She said either to remove Kamaljeet Kaur or she would remove her. On the instigation of Manpreet Kaur, Balwinder Singh at about 9.00 p.m. sprinkled kerosene oil on his wife and badly burnt her. Balwinder Singh neither made any attempt to save his wife nor he went to hospital.

7. It has been stated that report from FSL, Junga has been received, wherein it has been stated that LPG stove was examined in the Laboratory and it was found that no burnt fabric was observed on the burners of stove. The report of other exhibits is still awaited. It has been stated that investigation is still in progress and the prayer has been made for rejection of the bail application.

8. Heard and perused the police file. The investigation in the case is still in progress. The bail application of the petitioner has already been dismissed by learned Additional Sessions Judge. There is no change of circumstance. There are allegations of abetment to commit murder of Kamaljeet Kaur against the petitioner. Thus, keeping in view the stage of investigation, the petitioner is not entitled to bail at this stage. Accordingly, the bail application is dismissed.

9. The observations made in this judgment are for disposal of bail petition only and the same shall not be construed as an expression of opinion on the merits of the case.