

IN THE COURT OF RAKESH KUMAR,
UID No. PB-0138,
ADDITIONAL SESSIONS JUDGE,
KAPURTHALA.

CNR No.
PBKP010046652022



Case No. BA/1914/2022

Presented on : 30-09-2022

Registered on : 01-10-2022

Decided on : 01-11-2022

Kulwant Singh, s/o Gurdeep Singh, aged about 40 years, r/o Village Bohani, Police Station Rawalpindi Phagwara, District Kapurthala.

..... Applicant/accused.

Versus

State of Punjab.

..... Respondent.

FIR No.130 of 12.05.2021,
Under Sections 302, 201 of Indian Penal Code,
Police Station – Sultanpur Lodhi, District Kapurthala.
Application for bail under Section 439 Cr.P.C.

Present: Sh.Tejpai Singh, Advocate counsel for the
applicant/accused.
Ms.Aarti Mehta, Additional PP for the State.

O R D E R

Record perused. **Arguments have been heard** on the present regular bail application of present applicant/ accused Kulwant Singh in FIR No.130 of 12.05.2021, who is stated to be in judicial custody since 12.05.2021 in this case.

2. It has been contended on behalf of applicant Kulwant Singh

that he has been falsely implicated in the present case. He is in judicial custody since long i.e. from 12.05.2021. The conclusion of trial will take long time. The investigation of the case has already been completed. The applicant is suffering from infection from 19.09.2022. Nothing is to be recovered from the applicant. There is no direct or indirect evidence against the applicant to connect him with the commission of alleged offence. So, the applicant/ accused is entitled to the concession of regular bail.

3. On the other hand, learned Additional PP for the State has contended that serious allegations have been levelled against the applicant/ accused in the present case to commit the murder of his wife Manjit Kaur. So, gravity of offence does not warrant the concession of regular bail to the applicant/ accused. Thus, the applicant/ accused is not deserving the concession of regular bail to him, rather his present regular bail application is liable to be dismissed.

4. I have heard the submissions made by learned counsel for the applicant/ accused and learned Addl. PP for the State.

5. The allegations in the present case are that present case was registered at the instance of Baldev Singh brother of the deceased Manjit Kaur. The complainant put the version that they are six brothers and sisters. One of his sister Manjit Kaur, was married at Village Bahani. She was residing over there along with her husband Kulwant Singh (applicant/ accused) and having a son aged about 10 years. A few days ago of

10.05.2021, the said Manjit Kaur along with her husband and son had turned up to Village Bhour to meet her sisters Rani and Kaudi. On 10.05.2021, the complainant had also gone that Village Bhour to meet her sisters. In the morning hours at around 09.00 AM on 11.05.2021, the said Manjit Kaur had separately conveyed to the complainant Baldev Singh, being her brother, that her husband Kulwant Singh used to beat and harass her having suspicion upon her character and he was intending to do away of her. The said Manjit Kaur had also shown some injuries at her face and lips, allegedly caused by Kulwant Singh. In the noon of that day i.e. 11.05.2021, the complainant later on came to know from her sisters that Manjit Kaur was taken away by her husband Kulwant Singh to his village while leaving their son with the sisters of complainant.

6. Later on, the complainant, along with Balwinder Singh son of his sister Rani, on his motorcycle, went to the village of that Kulwant Singh,, whereby, they both found Kulwant Singh alone at his residence. On asking about Manjit Kaur from that Kulwant Singh, he (Kulwant Singh) conveyed that he has done to death of Manjit Kaur by way of strangulation with her *dupatta* and her dead body was thrown away by him in the fields of maize, nearby Village Bhour. On the next morning of 12.05.2021, the complainant, along with help of his other sisters, succeeded to recover the dead body of Manjit Kaur in the fields of maize of Sarban Singh in the area of Village Bhour and found that her murder was committed by way of strangulation with her *dupatta*. To the said

occurrence, the complainant Baldev Singh got recorded his statement on 12.05.2021 at about 07.00 PM before SI Harjit Singh of Police Station Sultanpur Lodhi, which led to registration of present FIR.

7. Admittedly, there are serious and specific allegations against the applicant/ accused Kulwant Singh that he used to beat and harass her wife Manjit Kaur and afterwards, he committed the murder of his wife Manjit Kaur by way of strangulation with her *dupatta*. So, it cannot be stated that the present applicant/ accused had no role to play in the alleged commission of crime.

8. In view of the aforesaid observations, in the backdrop of very serious allegations against the applicant/ accused Kulwant Singh, the fact that the applicant/ accused is stated to be in custody since 12.05.2021 and suffering from infection, is not worth to give him the concession of regular bail. Meaning thereby, the applicant/ accused is held not entitled to the concession of regular bail at this stage.

9. Consequently, the present regular bail application of the applicant/ accused Kulwant Singh is, hereby, declined and disposed off accordingly. However, any observation made herein shall not be construed to be an expression on merits of the case. Bail application file be attached with the concerned file of present FIR.

Pronounced in open Court.

Dated: 01.11.2022.

Kaushal Kumar

(Rakesh Kumar),

Additional Sessions Judge,

Kapurthala. (UID No. PB-0138)

(Directly dictated on computer)