

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

CRM No.M-11882 of 2015 (O&M)

Date of decision: 29.05.2015

Kamaljit Kaur

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. G.S. Brar, Advocate for the petitioner.

Mr. Nikhil K. Chopra, DAG, Punjab.

...

TEJINDER SINGH DHINDSA, J.

This order shall dispose of the present petition filed under Section 439 Cr.P.C. seeking the benefit of regular bail to the petitioner pending trial in case FIR No.25 dated 21.03.2013, under Sections 302/34 IPC, registered at Police Station Subhanpur, District Kapurthala.

Counsel for the parties have been heard.

FIR in question was registered on the statement of Swaran Kaur w/o Surjit Singh (deceased). Occurrence is alleged to be of 20.03.2013 when an altercation took place between Gurjit Singh S/o Sarabjit Singh and Surjit Singh (deceased) as regards grazing of cattle and entering into the fields. The petitioner is the mother of accused, Gurjit Singh.

As per prosecution version, it was Gurjit Singh, who had picked up a brick and inflicted a brick blow on the head of Surjit Singh. Insofar as the present petitioner is concerned, she is stated to have given a *danda* blow upon Surjit Singh after he had fallen down upon receiving the brick blow.

Surjit Singh is stated to have expired on 10.04.2013.

As per post mortem report, the cause of death has been opined to be haemorrhage and shock on account of injury suffered on the vital part of the body i.e. head/brain.

The petitioner has been custody since 11.04.2013. The issue as to whether offence under Section 302 IPC is made out against the present petitioner would be a moot question to be considered during the trial.

As such, without making any observations on merits, petition is allowed.

Petitioner, Kamaljit Kaur be enlarged on bail subject to the satisfaction of the trial Court.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

29.05.2015
harjeet