

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

CRM No. M-32295 of 2016

Date of decision:- September 23, 2016

Balvir Kaur @ Balbir Kaur

.....Petitioner..

Vs.

State of Punjab

....Respondent..

CORAM:- HON'BLE MR. JUSTICE JASPAL SINGH

Present:- Mr. K.S. Dhillon, Advocate,
for the petitioner.

Mr. RPS Sidhu, AAG, Punjab.

JASPAL SINGH, J. (Oral)

By virtue of instant petition preferred under Section 439 of the Code of Criminal Procedure, Balvir Kaur @ Balbir Kaur-petitioner has sought regular bail, in case FIR No.61, dated 28.05.2016, under Sections 308, 323, 452, 148 and 149 IPC, Police Station Bhogpur, Jalandhar Rural.

2. The only allegation against the petitioner is that she while armed with SOTA accompanied by some other persons, instigated her co-accused to bring Amarjeet outside the house. It was only, thereafter, her co-accused caused injuries to Amarjeet. No specific injury has been attributed to the petitioner. Otherwise also, an injury, which falls within the ambit of Section 308 IPC, is attributed to non-applicant. The petitioner was arrested in this case on 25.07.2016, subjected to custodial interrogation. Meaning

thereby, her custody was no more required. Moreover, after the completion of investigation, report under Section 173 (2) Cr.P.C. has already been presented before the Id. Jurisdictional Magistrate. During her custodial interrogation, SOTA alleged to have been used during the course of occurrence has already been recovered. So, in the given circumstances, it would not be desirable to keep the petitioner behind the bars, especially, in the circumstances that the disposal of the trial would take sufficient long time. It would also be pertinent to mention that Jaswinder Kaur @ Binder, who is similarly situated has already been granted the concession of bail vide order dated 31.08.2016 passed in CRM-M-28993-2016.

3. Taking into consideration all the aforesaid aspects of this case but without expressing any opinion on the merits of the case, petition is allowed and petitioner is ordered to be released on bail, during pendency of trial, at the satisfaction of trial court/Duty Magistrate.

September 23, 2016
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reasonable: Yes/No