

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-3903 of 2016 (O&M)

Date of Decision: 09.02.2016

Sukhpal Kaur @ Rakhi

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Jimmy Singla, Advocate for the petitioner.

Mr. D.S. Virk, A.A.G., 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 in case F.I.R. No.81 dated 6.9.2015 under sections 307, 384, 454, 379-B I.P.C registered at Police Station, Ghagga, District Patiala.

Learned counsel for the parties have been heard.

F.I.R came to be registered on the complaint of Rajinder Kumar. Allegations are that on 6.9.2015 when the complainant along with his wife and children had gone to pay obeisance at a Mandir and upon returning therefrom in the afternoon he found that his house had been ransacked and from an almirah a bag containing jewelry in all weighing about 11 tolas of gold had been stolen. In the initial statement the complainant had also specifically mentioned that his mother Lajwanti Devi aged about 70 years resides in the same house and is confined to bed on account of old age. The accusations as per initial statement were confined only with regard to robbery. It was a blind F.I.R as no suspects were named.

It so transpires that four days thereafter i.e. on 10.9.2015, complainant made an improvement and raised another accusation that an attempt had been made even to strangle his mother namely Lajwanti Devi.

During the course of investigation, the present petitioner as also co-accused Jaggi were implicated and were arrested. As per prosecution version, a recovery of 11 grams of gold has been effected from the present petitioner.

Petitioner has been in custody since 17.10.2015. Investigation in the case is complete as the challan stands already presented. Charges are yet to be framed and as such, the trial is still at the very initial stage.

Co-accused Jaggi is stated to have been granted the benefit of regular bail. It has also been conceded that even though, offence under section 307 I.P.C has been cited, yet, no medical examination of Lajwanti Devi i.e. mother of the complainant had been conducted.

In an overview of the matter and coupled with the length of incarceration already suffered by the petitioner, present petition is allowed. Petitioner be enlarged on bail subject to satisfaction of C.J.M./Duty Magistrate, Patiala.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

09.02.2016
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