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

CRM-M-39632 of 2016

Date of decision: November 11, 2016

Pal Kaur alias Satpal Kaur

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present: Mr. D.S. Pheruman, Advocate for the petitioner.

Mr. K.S. Sidhu, AAG Punjab.

Mr. S.S. Khaira, Advocate for the complainant.

A.B. CHAUDHARI, J (Oral)

Heard learned counsel for the rival parties.

In FIR No.07 dated 17.03.2016, under Sections 302, 452, 459, 34 of Indian Penal Code, 1860 and Sections 25, 27, 54, 59 of Arms Act, 1959, registered at Police Station Kotli Surat Malhi, District Gurdaspur, the petitioner seeks regular bail and was arrested on 17.03.2016 and is in jail since then.

Learned counsel for the complainant vehemently opposed the petition for bail to the petitioner.

I have perused the statement of Kawaljit Kaur (PW-1) recorded in the trial Court. The evidence against the petitioner is that the petitioner had raised *lalkara* and thereupon, her son Nirmal Singh had fired resulting into two deaths. In my opinion, the petitioner being a woman is entitled to the benefit of Section 437 Code of Criminal

Procedure, 1973, particularly, because there is no overt act except for instigation on her part.

In that view of the matter, this petition is allowed. Petitioner be released on bail subject to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned who may impose such conditions as deem fit and proper. Petitioner shall not tamper with the prosecution evidence, threaten or exercise any influence on the prosecution witnesses.

(A.B. CHAUDHARI)
JUDGE

November 11, 2016

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No