

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-10125 of 2017
Date of Decision: 29.03.2017

Simran Kaur

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. A.S. Sullar, Advocate
for the petitioner.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 362 dated 21.11.2016 registered for offences punishable under Sections 302, 307, 324, 323, 506 of Indian Penal Code (for short, "IPC") and 21 of the Arms Act, at Police Station Tripuri, District Patiala.

Heard.

Notice of motion.

On asking of the court, Ms. Bhavna Gupta, DAG, Punjab, who is present in the Court accepts notice and submits that intimation by Registry informing of fixation of the petition has already been received and record of the case is available with her.

As per case of prosecution, petitioner alongwith other co-accused caused injuries to complainant-Ratesh Malhotra and Rakesh Malhotra, who died due to fire shot injury. The petitioner has been attributed *gandasa* blow to the complainant-Ratesh Malhotra.

Learned counsel for the petitioner submits that in initial enquiry

conducted by the police, the petitioner was found innocent but in the enquiry

which was later on conducted by Superintendent of Police (D), she was found guilty and challaned.

Learned State counsel submits that the petitioner alongwith co-accused had way laid the complainant and his brother Rakesh Malhotra and caused them injuries in furtherance of their common intention, as such, petitioner is also liable for injuries caused to Rakesh Malhohtra (deceased).

The question as to whether there was any common intention of the petitioner with other co-accused, is a fact to be seen by the trial Court on the basis of evidence produced before it. However, keeping in view facts and circumstances discussed above, I find it to be a fit case to extend the benefit of regular bail to the petitioner.

Without expressing any opinion on merits of the case and keeping in view the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Simran Kaur is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of her absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel her bail bond and surety bond and proceed to procure her presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- (c) She shall not leave the country without the previous permission of the Court.

March 29, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No