

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 209

CRM-M-15540-2017

Decided on : 15.05.2017

Veer Kaur and another

..... Petitioners

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.S.P.S.Sidhu, Advocate, for the petitioners.

Mr.Neeraj Yadav, AAG, Punjab.

DEEPAK SIBAL, J. (ORAL)

Status report on behalf of the State, filed in Court today, is ordered to be taken on record. Copy of the same has been handed over to counsel opposite.

Through this petition filed under Section 438 Cr.P.C., the petitioners seek the concession of anticipatory bail in FIR No.37, dated 01.07.2016, registered under Sections 302, 364, 447, 511, 427, 148 and 149 IPC, at Police Station Mallanwala, District Ferozepur.

Seeking anticipatory bail for the petitioners, learned counsel submits that the petitioners who are ladies, are not involved in any other criminal case; they were found innocent by the police and have now been summoned under Section 319 Cr.P.C.; the complainant has falsely stated against them; even if the statement of the complainant is taken as a gospel truth which the petitioners do not admit, so far as petitioner No.1-Veer Kaur is concerned, she is alleged to be armed with a stick and gave kick blows; petitioner No.2-Amarjeet Kaur is alleged to have given kirpan blows to the deceased but as per the postmortem report, there is no injury on the deceased with a sharp edged weapon; no useful purpose would be served by sending the

petitioners in custody and that he undertakes that the petitioners would appear on each and every date before the trial court unless and otherwise specifically exempted.

Learned State counsel does not dispute the facts that the initial investigation had found the petitioners to be innocent; the petitioners are not involved in any other criminal case; petitioner No.1-Veer Kaur has been attributed kick blows and petitioner No.2-Amarjeet Kaur has been attributed kirpan blows though as per the postmortem report, there is no injury on the deceased with a sharp edged weapon.

Since the petitioners are ladies; not involved in any other criminal case; were found innocent by the police and have now been summoned under Section 319 Cr.P.C.; petitioner No.1-Veer Kaur is alleged to have given only kick blows; petitioner No.2-Amarjeet Kaur is alleged to have given kirpan blows to the deceased but as per the postmortem report, there being no injury on the deceased with a sharp edged weapon, I am of the opinion, that no useful purpose would be served by sending the petitioners in custody especially when their counsel has undertaken that the petitioners would appear on each and every date before the trial court unless and otherwise they would be specifically exempted.

Accordingly, the petitioners are directed to appear before the trial court within a week from today and on surrender before the trial court, they shall be admitted to bail to the satisfaction of the trial court.

The trial court shall insist on heavy local sureties.

Nothing observed herein-above shall be considered to be an expression of opinion by this Court on the merits of the case.

During the period that the bail is granted to the petitioners, if they

are found indulging in any criminal/illegal activity or misusing the concession of bail granted by this Court, it would be open to the State to move an appropriate application before the competent Court/this Court for cancellation of the bail granted to the petitioners.

15.05.2017
shamsher

[DEEPAK SIBAL]
JUDGE

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No