

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-3641 of 2017 (O&M)

Date of Decision: 09.02.2017

Kuldeep Kaur

--Petitioner

Versus

State of Punjab

--Respondent

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

Present:- Mr. G.S. Nahel, Advocate for the petitioner.

Ms. Harpreet K. Athwal, D.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.128 dated 18.12.2015 under sections 302, 323, 34 I.P.C, registered at Police Station, Lehra, District Sangrur.

Learned counsel for the parties have been heard.

FIR came to be registered on the statement of Akbar Khan in relation to an occurrence that took place on 18.12.2015 and in which father of the complainant namely Bashir Khan died. Complainant asserted that there was a dispute as regards tethering of cattle between his family and that of the family of Chhota Singh. The specific attribution is to one Kuldeep Singh son of Chhota Singh armed with a *kahi* and having inflicted blows upon the deceased.

In so far as the present petitioner is concerned, who is the wife of Kuldeep Singh, co-accused, she was stated to be armed with a *soti* and had inflicted blows on the person of the complainant. There is no attribution whatsoever of any injury having been inflicted by the present petitioner on the person of the deceased.

Petitioner was arrested on 21.12.2015.

During the course of trial the complainant Akbar Khan as also his mother namely Raj Begum and who being eye witnesses would be seen as material witnesses, have since been examined. Even their deposition recorded before the Trial Court has been adverted to. Both these material prosecution witnesses in their deposition have not attributed any injury to the present petitioner upon deceased Bashir Khan.

Keeping in view the length of incarceration already suffered by the petitioner and who happens to be a lady as also the fact that she is not alleged to have inflicted any injury on the person of the deceased and further more the material witnesses having already deposed before the Trial Court, the petitioner is held entitled to the benefit of bail.

Accordingly, the present petition is allowed. Petitioner be enlarged on bail subject to satisfaction of Trial Court/C.J.M./Duty Magistrate, Sangrur.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

09.02.2017

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Whether speaking/reasoned: Yes

Whether Reportable: No