

CRM-M-5909-2017

[1]

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

(Sr. No.104)

CRM-M-5909-2017

Date of Decision:-22.02.2017

Shamsher Kaur and another

.....Petitioners

V/S

State of Punjab

.....Respondent

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

Present : Mr. Vinod Ghai, Sr. Advocate with
Mr. Paras Talwar, Advocate,
for the petitioners.

Mr. Daljit Virk, DAG Punjab.

A.B. Chaudhari, J. (Oral)

Rule.

Heard forthwith.

Heard learned counsel for the rival parties.

The petitioner No.1-Shamsher Kaur is aged about 76 years while petitioner No.2-Pal Kaur is aged about 29 years, both are women. This Court by judgment and order dated January 12, 2017 in CRR No.1381 of 2016(O&M) titled as Raman Kanta Vs State of Punjab and others, held that the petitioners were liable to be prosecuted along with other accused persons and thus exercised the power under Section 319 Cr.P.C. for summoning as accused persons. Learned counsel for the petitioners submitted that the petitioners would participate in the trial but then they pray for grant of bail, since, the trial Court had rejected the prayer for grant of bail on the ground that the offences are serious.

I have perused the deposition of Raman Kanta w/o Jatinder

Dass recorded by the trial Court and I find that the allegation against petitioner No.1-Shamsher Kaur is that she had exhorted Chattar Singh to bring his rifle, insofar as petitioner No.2-Pal Kaur is concerned, the allegation is that she went on exhorting the accused not to allow Chattar Singh and servant-Mihan Singh to go alive. Beyond that there is no allegation against the petitioners.

In my opinion, looking to the fact that petitioners are women and looking to the allegations as aforesaid, petitioners would be entitled to grant of bail.

In that view of the matter, petition is allowed. Petitioners shall be released on bail subject to satisfaction of the trial Court.

February 22, 2017
Pankaj

(A.B. Chaudhari)
Judge

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