

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-12764 of 2018

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Date of decision:27.7.2018

Reshma Bai

...Petitioner

v.

State of Punjab

...Respondent

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. P.P.S. Duggall, Advocate for the petitioner.

Mr. Pawan Sharda, Senior Deputy Advocate General, Punjab
for the respondent-State.

Mr. K.B. Raheja, Advocate for the complainant.

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Inderjit Singh, J.

This petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in case FIR No.146 dated 11.10.2017 registered for the offences under Sections 302 read with Section 34 IPC at Police Station Guruhar Sahai, District Ferozepur.

Notice of motion has been issued in this case.

Mr. Pawan Sharda, learned Senior Deputy Advocate General, Punjab has put in appearance on behalf of the respondent-State and Mr. K.B. Raheja, learned Advocate has appeared for the complainant and contested this petition.

I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

From the record, I find that the FIR in the present case has been got registered on the statement of Mota Singh. As per his allegations, Saudagar Singh, who was his neighbour, had levelled his plot and put the earth around 2½ feet ahead in the place of the complainant. When the complainant and his wife Chhindo Bibi reached there and asked Saudagar Singh to put the barbed wire in his plot, then Saudagar Singh raised 'Lalkara', Reshma and Gurwinder Singh, wife and son respectively of Saudagar Singh abused them. Jaswinder Singh, who was armed with iron 'sabbal' gave 'sabbal' blow on the head of Reshma Bibi, who later on died due to the injury.

At this stage, learned counsel for the petitioner argued that the whole family of Saudagar Singh has been implicated in the present case. There is only one blow as per FIR which is attributed to Jaswinder Singh against whom challan has been presented. Saudagar Singh and Gurwinder Singh who are found innocent by the Police. Qua the present petitioner, the learned counsel for the petitioner argued that she was empty handed and even had not raised 'Lalkara'. No injury is attributed to her.

Keeping in view the facts and circumstances of the present case, without discussing the facts in minute detail and without expressing any opinion on the merits of the case, I find that only abuses are attributed to the petitioner. She has not caused any injury as neither she was armed with any weapon nor any 'Lalkara' is attributed to her.

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Therefore, keeping in view the facts and circumstances, I accept this criminal miscellaneous petition and in the event of arrest, the petitioner shall be admitted to bail on his furnishing personal bonds and surety to the satisfaction of the Arresting/Investigating Officer. The petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions of Section 438 (2) Cr.P.C.

July 27, 2018.

(Inderjit Singh)
Judge

hsp

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