

CRM No.M-18947 & 19260 of 2018(O&M)-1-

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**Criminal Misc. No.M-18947 of 2018(O&M)
Date of Decision:May 14, 2018.**

Amandeep Kaur

Petitioner

Versus

State of Punjab

Respondent

AND

**Criminal Misc. No.M-19260 of 2018(O&M)
Date of Decision:May 14, 2018.**

Kulwaranjit Singh @ Sunny

Petitioner

Versus

State of Punjab

Respondent

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr.N.S.Sodhi, Advocate
with Ms. Harshita, Advocate
for the petitioner(s).

Mr. Mr. D.S.Sukarchakia, DAG, Punjab.

Mr. C.S.Sharma, Advocate
for the complainant.

LISA GILL, J.

This order shall dispose of CRM-M-18947 of 2018 and CRM-M-19260 of 2018. For the sake of convenience, facts are extracted from CRM-M-18947 of 2018.

Petitioner(s) seek the concession of bail pending trial in FIR No.23 dated 25.01.2018, under Sections 308, 379, 354, 342, 506, 148 and 149 IPC, registered at Police Station Maqsudan, District Jalandhar.

As per the allegations in the FIR, petitioner-Amandeep Kaur is alleged to have stood guard at the gate of the house so that none could come to rescue of the complainant. She is also attributed a stick (Danda) blow on the head of the complainant. In respect to petitioner-Kulwaranjit Singh @ Sunny, he is alleged to have inflicted a '*Datar*' blow on the head of the complainant.

Learned counsel for the petitioners vehemently argues that the medical evidence on record does not corroborate the version put-forward by the complainant. Moreover, the present is a case of version and cross-version. Co-accused-Sukhninder Kaur and Satinder Kaur, filed CRM-M-9869 of 2018. They have been afforded the concession of interim anticipatory bail. Petitioner-Kulwaranjit Singh @ Sunny has been in custody since 27.01.2018. Final report under Section 173 Cr.P.C., qua him stand presented. Petitioner-Amandeep Kaur, has been in custody since 12.04.2018. It is thus prayed that these petitions be allowed.

Heard learned counsel for the parties.

As per the medico legal report, the following injuries were suffered by the complainant:-

1. Red contusion 5cm x 3cm abdomen upper part.
2. c/o pain right forearm. No visible mark of injury.
3. lacerated wound 5 cm x 1 cm with muscle deep on right side of forehead vertically placed 6 cm from eyebrow.
4. Red contusion 6 cm x 2 cm on left forearm back in middle.

All injuries were declared simple in nature.

Learned counsel for the State, on instructions from ASI Raghunath Singh, verifies that the petitioners are not involved in any other criminal case. Learned counsel for the complainant argued that co-accused Sukhninder Kaur (mother of Kulwaranjit Singh @ Sunny) sent offensive and threatening messages to the complainant thus bail pending trial should not be afforded to the present petitioners.

Be that as it may, there are no allegations on behalf of the State that the petitioners are likely to abscond or that they are likely to dissuade the witnesses from deposing true facts before the Court, if released on bail. Allegations against Sukhninder Kaur shall be dealt with separately qua her. Trial in this case is not likely to conclude in the near future. No useful purpose would be served by keeping the petitioners incarcerated any longer in the facts and circumstances of this case.

Keeping in view the facts and circumstances of the case but without commenting upon or expressing any opinion on the merits thereof, these petitions filed by Amandeep Kaur and Kulwaranjit Singh @ Sunny, are allowed. Petitioners be released on bail pending trial subject to their furnishing requisite bail bonds and surety to the satisfaction of the learned Trial Court.

Petitioners shall not attempt to contact the complainant or any of her family members in any manner directly or indirectly. Any such infraction shall entail cancellation of bail afforded to them

Needless to say, in case, any of the petitioners abuse the concession of bail afforded to them, the complainant is at liberty to avail the remedy/remedies as may be available to her in accordance with law.

It is clarified that none of the observations made hereinabove shall

be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petitions.

14.05.2018
s.khan

[LISA GILL]
Judge

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