

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

**CRM-M-24535-2018 and
other connected case
Date of Decision:07.06.2018**

Labh Kaur ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE G.S. SANDHAWALIA

Present: Mr. Kulwinder Singh, Advocate
for the petitioner in CRM-M-24535-2018.

Mr. Brij Mohan, Advocate
for the petitioner in CRM-M-24539-2018.

Mr. I.P.S. Doabia, Additional AG, Punjab.

G.S. SANDHAWALIA, J. (ORAL)

The present order shall dispose of CRM-M-24535-2018 and CRM-M-24539-2018. The facts have been taken from CRM-M-24535-2018 as common questions of law and facts are involved.

Petitioners have filed the petition under Section 439 of Cr.P.C. and seek regular bail in FIR No.64 dated 08.07.2017 under Sections 324/323/342/148/149 and Sections 302/365 of IPC added later on, at P.S. Ghanaur, District Patiala.

The deceased in the present case is Jagtar Singh who is son of Labh Kaur, aged 70 years in the first case and brother of Baljeet Kaur, petitioner No.1 in CRM-M-24539-2018. He was brother-in-law of petitioner No.2 namely Gurmeet Singh. A perusal of the FIR would go on to show that there was a dispute regarding as such inter se family members over the possession of agricultural land and the role qua the

ladies i.e. mother and sister was instigating that the deceased be not spared and giving directions to the brother-in-law Gurmeet Singh.

He accordingly gave blow on the right side of the neck of the deceased, a blow on the left shoulder and left elbow. The said petitioners are in custody as per the instructions of the official from since 23.11.2017, 24.10.2017 and 01.08.2017, respectively. The counsel for the petitioner has rightly pointed out that Ranjeet Kaur @ Jeet Kaur another sister had filed CRM-M-18971 of 2018 wherein it was noted that the deceased died on 11.07.2017 and the medical reports did not show the cause of death. The relevant portion of the order reads as under:

“2. The offence under Section 302 of the Indian Penal Code was added in the case after the complainant/victim died on 11.07.2017.

3. The petitioner happens to be the own sister of the deceased. No overt act of violence is imputed to her in the F.I.R. by the complainant, although she is alleged to have instigated the actual assailants along with her own mother to kill the victim.

4. It further transpires that statement of the victim on the basis of which the original F.I.R. under Sections 324, 323, 342, 148 and 149 of the Indian Penal Code alone was drawn up was recorded by a Police Officer, while the victim was still in hospital. But he was subsequently discharged from the hospital two days later and died on the following day in his house.

5. The available Autopsy Report as well as the subsequent Histopathological Reports clearly mention that the cause of the victim's death is not ascertainable, since no haematoma or bony injury could be detected.

6. In view of these circumstances and considering the long detention undergone by the petitioner, against whom admittedly there is no allegation of having actually attacked the victim, the present petition is allowed and the petitioner, namely Ranjeet Kaur @ Jeet Kaur, wife of Gurmeet Singh, at this stage, is directed to be released on regular bail subject to appropriate

terms and conditions to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.”

The role as noticed of the ladies is similar as to what Ranjeet Kaur @ Jeet Kaur. The brother-in-law of petitioner No.2 attributed simple injury blow and the death has occurred three days after the incident in question.

In such circumstances, this Court is of the opinion that the petitioners are entitled for parity. Accordingly, bail applications are allowed and petitioners are ordered to be released on regular bail, subject to furnishing of adequate bail bonds to the satisfaction of the Chief Judicial Magistrate/Illaq Magistrate/Duty Magistrate, Patiala.

07.06.2018
pvd

(G.S. SANDHAWALIA)
JUDGE

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