

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

**Criminal Misc. No. M-28060 of 2018
Date of decision: 06.09.2018**

Palo

..Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. Deepak Bhardwaj, Advocate
for the petitioner.

Mr. Amit Mehta, Sr. DAG, Punjab
for the respondent-State.

Daya Chaudhary, J.

Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to petitioner-Palo in case FIR No.15 dated 18.03.2017 registered under Sections 304, 323 read with Section 34 of Indian Penal Code and Section 302 IPC added later on at Police Station Mukandpur, District SBS Nagar.

Learned counsel for the petitioner submits that the petitioner has been implicated in the case at the instance of complainant, who was having a grudge with the petitioner's family due to dispute of common street. The entire family has been implicated in a false case. As per medical report, there is only one injury on the person of deceased and the same has been attributed to co-accused. Learned counsel further submits that no specific injury has been attributed to the petitioner. Learned counsel also submits that by considering the injury attributed to the petitioner, it is

apparent that there was no intention on the part of the petitioner to commit murder. Initially, the FIR was registered under Section 304 IPC and not under Section 302 IPC. At the end, learned counsel for the petitioner submits that the petitioner is aged widow lady and is in custody since 19.03.2017. No purpose would be served by keeping the petitioner in custody as investigation has been completed and challan has been presented. Even the statements of material witnesses have been recorded. The trial may take long time to conclude as there are total 24 prosecution witnesses. The petitioner is not having criminal background as no other case is pending against her.

Learned State counsel has not disputed the custody period; role attributed to the petitioner; stage of trial but has opposed the submissions made by learned counsel for the petitioner.

Heard arguments of learned counsel for the petitioner as well as learned State counsel and have also perused the contents of the FIR and other documents available on the file.

The statement of complainant-Mandeep Kaur-PW1 has been recorded and in the cross-examination, she has stated that prior to occurrence, there was no dispute between her husband and the accused persons. She did not disclose this fact to the doctor that during occurrence, her hair were pulled by the assailants. It has also been admitted that she did not receive any internal or external injury on her head. Nothing was told to the doctor about the injury. Meaning thereby, the complainant has not fully supported the case of the prosecution. On perusal of statement of PW2-Sukhwinder Singh, it is apparent that there is contradiction between his

statement and statement of PW1-Mandeep Kaur as in the cross-examination PW1-Mandeep Kaur has admitted that none from her side has informed the Police. She has also denied that she does not know as to who has informed the Police about the occurrence. Moreover, the injury as reflected in the medical report has been attributed to co-accused and not to the petitioner.

In view of the submissions made by learned counsel for the petitioner and by considering that the petitioner is in custody since 19.03.2017; no other case is pending against her; all material witnesses have been examined; no purpose would be served by keeping the petitioner behind the bars and the trial may take long time to conclude, the present petition is allowed and the petitioner (Palo) is directed to be released on regular bail subject to her furnishing bail/surety bonds to the satisfaction of the trial Court.

06.09.2018
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(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	Yes