

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

CRM-M-39157-2018(O&M)

Date of Decision:-25.9.2018

Rajbir Kaur alias Faujan

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Kanwar Pahul Singh, Advocate for the petitioner.

Mr. A.S. Sandhu, Additional Advocate General, Punjab.

GURVINDER SINGH GILL, J. (Oral)

By way of filing this petition, the petitioner seeks grant of regular bail in respect of a case registered against her vide FIR No.59 dated 27.6.2018 under Sections 323, 324, 326 and 34 of Indian Penal Code, 1860 at Police Station Maqboolpura, District Amritsar.

The FIR was registered at the instance of Kashmir Singh, who stated that he is running a meat shop and that the petitioner used to purchase meat from his shop on credit basis and that an amount of ₹ 1,200/- was due towards her. It is alleged that whenever, the complainant demanded the said amount, the petitioner used to put him off on one pretext or the other and that on 26.6.2018, when the petitioner demanded the aforesaid amount, the petitioner and her son starting quarreling with him. It is alleged that in the evening, when he was going towards focal point, then the petitioner along with her son Ravi and Jodhbir Singh @ Jodh waylaid him. It is alleged that Jodhbir Singh @ Jodh gave a blow with '*datar*' hitting the complainant on his right shoulder, due to which the complainant fell down and thereafter Ravi gave '*dang*' blow and that the petitioner gave kick blows.

Notice of this petition was issued to the State.

The learned counsel for the petitioner has submitted that the petitioner has been falsely implicated and that she was not even armed with any weapon and is attributed kick blows only.

On the other hand, the learned State counsel has submitted that the petitioner is the main accused and it was on her exhorting that the co-accused caused injuries and that it is the petitioner, who was to pay an amount of ₹ 1,200/- to the complainant.

Having considered the submissions made by the learned counsel for the petitioner and also the learned State counsel, I find that it is not denied that the petitioner was unarmed. The petitioner has been behind bars since the last approximately two months. In any case, the petitioner being a lady, deserves to be dealt with leniently.

Having regard to the aforesaid facts and circumstances of the case, no useful purpose would be served by further detaining the petitioner behind bars as the trial in its normal course is likely to take some time for its conclusion. The present petition, as such, is accepted and the petitioner- Rajbir Kaur alias Faujan is ordered to be released on bail subject to her furnishing bail bonds/surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned.

The present petition stands accepted accordingly.

25.9.2018

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No