

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-53533 of 2018
DECIDED ON: December 04, 2018

SATINDER KAUR AND ANR.

..PETITIONERS..

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. Ruhani Chadha, Advocate,
for the petitioners.

RAMENDRA JAIN, J. (ORAL)

Prayer in the instant petition under Section 438 Cr.P.C. has been made for grant of anticipatory bail to the petitioners, in case, FIR No.44 dated 12.06.2018, registered under Sections 302/34 IPC, Police Station Nurmahal, District Jalandhar Rural.

According to the prosecution, in the day time of 12.06.2018, petitioners alongwith their 4/5 accomplice, trespassed the house of the complainant. Thereafter, petitioner No.1 exhorted to catch hold of brother of the complainant to teach him a lesson for witnessing the Will executed by her husband namely Gurdev Singh in favour of his first wife Gurdev Kaur. Thereafter, the petitioners and their accomplice gave beatings to deceased Gural Singh @ Pala and when he ran out of his house to save himself, he fell down in the street and died on the

spot.

Learned counsel contends that in the post-mortem report of the deceased, no injury was found on his body. As per viscera report of Gurpal Singh @ Pala, he had died due to cardiac arrest. Co-accused of the petitioners namely Lakhwinder Singh @ Pinka has already been granted interim anticipatory bail vide order dated 26.10.2018 passed in CRM-M-32370-2018 (Annexure P-2). Treating the case of the petitioners on same parity, the petitioners may also be granted interim bail.

He further contends that civil litigation is pending between the parties and status quo order qua possession was in favour of the petitioners. Notice was also issued to the complainant party in an application of contempt filed by the petitioners. Petitioners had earlier filed CRM-M-24930-2018 (P-9) seeking protection from the deceased and his family members, in which, necessary direction was given by a coordinate Bench of this Court vide order dated 14.06.2018 (P-10), to SSP, Jalandhar (Rural) for looking into the matter.

Considering the allegations against the petitioners, this Court is of the considered view that the petitioners do not deserve any concession of bail, inasmuch as, petitioner No.1 is the main accused and root cause for the death of Gurpal Singh @ Pala. She trespassing the house of the complainant and his deceased brother, raised lalkara to catch hold of the deceased. Thereafter, she and her accomplice caused injuries to him on account of his becoming a witness to a Will executed

by husband of petitioner No.1 in favour of his first wife.

At this stage, learned counsel for the petitioners intends to withdraw the petition qua petitioner No.2.

Accordingly, instant petition qua petitioner No.1 is dismissed whereas qua petitioner No.2 is dismissed as withdrawn.

04.12. 2018
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(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No