

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

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**CRM-M No. 11797 of 2019
Date of Decision:-29.11.2019**

Manjit Kaur and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Ms. Simsi Dhir Malhotra, Advocate
for the petitioners.

Mr. Kirat Singh Sidhu, DAG, Punjab.

MANOJ BAJAJ J.(Oral)

Petitioners-Manjit Kaur and Chanan Singh have filed the present petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No. 30 dated 03.3.2018, under Sections 302, 148, 149 and 120-B IPC, registered at Police Station Sadar, District Hoshiarpur.

The FIR was registered on the statement of Rajinder Sharma. As per allegations, the complainant had filed a criminal case against his maternal uncle Ramesh Kumar and his (Ramesh Kumar's) son Lovepreet @ Cheenu regarding teasing of his daughter Heena Sharma and due to this grudge, Lovepreet @ Cheenu, his father Ramesh Kumar, mother Surinder Kaur and uncle Roop Lal moved false complaints against the complainant and also used to give threats. On 03.3.2018 at about 5:00 pm Lovepreet@

Cheenu, Ramesh Kumar, Roop Lal, Prem Lata and Surinder Kaur came to the house of complainant with deadly weapons. Heena Sharma, daughter of the complainant, narrated all the incident to the complainant as he was not at home at that time. She informed that all the abovesaid persons with weapons were giving beatings to them. When the complainant reached at home, he saw that Lovepreet Singh @ Cheenu armed with Kirch, Surinder Kaur armed with Kirch, Ramesh Kumar armed with Axe, Roop Lal armed with Kirch, Prem Lata armed with dagger were giving beatings to Seema Sharma (complainant's wife) and his son Harsh Sharma. On raising hue and cry, all the accused persons fled away with their respective weapons. Thereafter, injured Seema Sharma and Harsh Sharma were taken to Civil Hospital, Hoshiarpur, but the doctor concerned declared them "dead".

Learned counsel for the petitioners contends that the petitioners have been falsely implicated in the present case. She further contends that the only allegations levelled against the petitioners are that they provoked other accused persons at the time of incident. She contends that no injury has been attributed to the petitioners. She submits that three material witnesses have been examined by the prosecution and they did not support the prosecution version and have been declared hostile. She has produced the depositions of those three witnesses. She submits that the trial will take sufficient long time for completion as still 19 witnesses remain to be examined by the prosecution, therefore, she prays that the petitioners be released on regular bail pending trial.

On the other hand, learned State counsel, who is assisted by

ASI Gurmail Singh, opposed the prayer on the ground of seriousness of offence as two persons died in the incident due to the injuries caused by the accused persons. However, he does not dispute that three material witnesses including complainant have been examined by the prosecution and the said witnesses have not supported the prosecution.

After hearing learned counsel for the parties, this Court finds that the trial of the case is likely to consume considerable time and keeping in view the custodial period of the petitioners, their further custody may not be justified. Therefore, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioners be released on regular bail subject to their furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court, Hoshiarpur.

The petition is allowed.

November 29, 2019
Vijay Asija

(**MANOJ BAJAJ**)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No