

CRM-M-28098-2019

Date of Decision : 24.09.2019

Mandeep Kaur

.....Petitioner

versus

State of Punjab

....Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH**Present:** Mr. Jasraj Singh, Advocate
for the petitioner.Mr. Harbir Sandhu, Asstt.A.G., Punjab
for the respondent-State.**FATEH DEEP SINGH, J. (ORAL)**

This order shall dispose off first anticipatory bail application filed by petitioner-Mandeep Kaur under Section 438 Cr.P.C in a case bearing FIR No.124 dated 08.06.2019 filed under Sections 323/324/445/511/506/148/149 and 498 of the Indian Penal Code and Section 326 of the Indian Penal Code has been added later on vide DDR No.32 dated 09.06.2019 registered at Police Station Tanda, District Hoshiarpur.

The allegations against the petitioner-Mandeep Kaur have

been levelled by the complainant-Mohinder Kaur alleging that over a dispute regarding piece of land between the family of the complainant and that of the petitioner, who are related to each other and it is alleged that during the course of events, the accused side took forcible possession of the same and on 6th June, 2019 at around 12:30 Noon, it is alleged that the accused side consisting of Bakshish Singh, Surjit Singh, Kulwinder Singh Ghumman along with Prabhjot Singh and the present petitioner, Mandeep Kaur, were ploughing the land, to which the complainant objected to and stopped them from doing so, leading to the scuffle between the two sides and both the sides received the injuries.

The allegations attributed to the petitioner is that she threw stones hitting the complainant.

Learned counsel for the petitioner *inter alia* contends that only simple injuries are attributed to the petitioner and offence under Section 326 of the Indian Penal Code, since, stands deleted and that nothing is to be recovered from the petitioner, being a case of version and cross-version and from the side of the complainant, Mohinder Kaur, the petitioner and her father-in-law, too, received injuries.

The learned State counsel, on instructions from ASI Balwinder Singh, Police Station Tanda, District Hoshiarpur, does not displace the facts but has conceded that the offence under Section 326 of the Indian Penal Code stands deleted submitting that the petitioner has joined the investigation and that nothing is to be

recovered from her.

In light of the stand of the State and what has been submitted before this Court, since, the petitioner is attributed simple injuries and has already joined the investigation, thus, it would be travesty of justice to decline the relief to the petitioner.

In light of the same, the present petition is allowed. Petitioner-Mandeep Kaur would appear before the Investigating Officer within 15 days from today and shall fully cooperate in the investigations. On her doing so, the petitioner shall be released on interim bail to the satisfaction of arresting/investigating officer till submission of report under section 173 Cr.P.C. (challan). She shall also abide by the conditions specified under section 438 (2) Cr.P.C. Thereafter, on presentation of challan, petitioner will be permitted to furnish regular bail bonds to the satisfaction of the trial Court.

Disposed off.

24.09.2019

Neha

**(FATEH DEEP SINGH)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No