

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

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CRM-M-48154 of 2019

Date of decision: 26.11.2019

Lakhwinder Kaur

... Petitioner

versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH.

Present: Ms.Dhivya Jerath, Advocate,
for the petitioner
Mr.P.S.Ahluwalia, Advocate, for the complainant
...

AMOL RATTAN SINGH, J. (Oral)

Learned counsel for the petitioner submits that the petitioner having obviously not been arraigned as an accused by the investigating agency in the report submitted under Section 173 of the Cr.P.C., she has been summoned by the trial Court by exercising jurisdiction under Section 193 of the Cr.P.C., and in any case her custodial interrogation is not required.

She further submits that none of the injuries on the person of the deceased actually matched with what is attributed to the petitioner, to the effect that she was armed with a *danda*.

Mr.P.S.Ahluwalia, appearing for the complainant, submits that there being 16 injuries on the person of the deceased, with most of them caused by a blunt weapon, the contention of learned counsel to the effect that none of the injuries are attributable to the petitioner, is not sustainable at all.

He further has produced in Court today an order passed by this

Court on 15.11.2019, in CRM-M-48365 of 2019, which was a petition filed

by two accused of the petitioner, i.e. Savinder Singh @ Pal Singh and another, seeking anticipatory bail, which petition has been dismissed.

Having considered the above, though it is seen that inadvertently no notice of motion was issued to the State at the time when the petition had initially come up for hearing, and the petitioner upon surrendering before the trial Court had been directed to be admitted to interim bail to the satisfaction of that Court, Mr.A.P.S.Gill, learned DAG, Punjab, also appears and submits that the investigating agency not having arraigned the petitioner as an accused in the challan submitted to the competent Court, there is nothing much to be said on behalf of the State.

That being so, with obviously the custodial interrogation of the petitioner not required at this stage, and she will now face trial upon her having been summoned by the trial Court; and further, she being a lady, without making any further comment on the actual merits of the case for or against the petitioner, which would naturally be a matter of evidence before the trial Court, the petition is allowed, with the order dated 8.11.2019, directing the petitioner to be admitted to interim bail, made absolute, subject of course to all conditions put by the trial Court.

It is made clear that nothing stated herein above shall be taken by the trial Court to be a comment on the guilt or innocence of the petitioner or any other co-accused, with naturally, that Court to come to its own conclusion, strictly on the basis of the evidence led before it.

26.11.2019

pk

Whether speaking/reasoned

Whether Reportable

(AMOL RATTAN SINGH)

JUDGE

Yes/No

Yes/No