IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Criminal Misc. No. M-47940 of 2018
Date of decision: 31.01.2019

Inder Kaur **..Petitioner**

Versus

State of Punjab **..Respondent**

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. A.K. Khunger, Advocate for
Mr. Amandeep Singh Jawandha, Advocate
for the petitioner.

Mr. Amit Mehta, Sr. DAG, Punjab
for the respondent -State.

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Daya Chaudhary, J. (Oral)

Petitioner-Inder Kaur, has approached this Court by way of filing the present petition under Section 439 Cr.P.C for grant of regular bail to her in case FIR No.39 dated 10.02.2018 registered under Sections 302/34 IPC at Police Station Tripuri, Patiala, District Patiala.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case, whereas, she was not involved in any manner. All family members of the petitioner have been implicated in the case at the instance of the complainant including the ladies without any specific allegations. The allegations are there against the son of the petitioner, namely, Angrez Singh. As per allegations levelled in the FIR, accused Angrez Singh started scuffling with the deceased and thereafter, he strangulated the neck of the deceased with his arm. Learned counsel further

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submits that not only the petitioner, who is mother of main accused-Angrez Singh but his wife has also been implicated. The allegations levelled in the FIR are contrary to the MLR as in the FIR, three persons have been shown to have given multiple injuries to the deceased, whereas, only two injuries have been reflected in the MLR which have been attributed to three persons. Learned counsel further submits that the petitioner is an old aged lady. The petitioner and other family members are neighbourers and the incident had occurred on the spur of the moment. As per allegations levelled in the FIR, neither the petitioner nor any other person was armed with any weapon. The petitioner is in custody since 25.07.2018 and no useful purpose would be served by keeping her in custody as the investigation has been concluded after presentation of final report under Section 173 Cr.P.C. The trial may take some time to conclude as there are total 25 prosecution witnesses.

Learned counsel for the petitioner has also relied upon the judgment of Division Bench of this Court in case ***Rajesh and another vs State of Haryana 2005(1) RCR (Criminal) 63*** as well as the order passed by the Division Bench of this Court in case ***Criminal Misc. No.7915 of 2006 in Criminal Appeal No.907-DB of 2005*** titled as ***Dalbir Singh and others vs The State of Punjab***.

Learned State counsel has not disputed the custody period and also the fact that the petitioner is an old aged woman but opposes the submissions made by learned counsel for the petitioner on the ground of seriousness of offence and less custody period.

Heard the arguments of learned counsel for the parties and have also perused the contents of the FIR as well as other documents available on

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the file.

Keeping in view the fact that the petitioner is an old aged woman and other family members are already in jail; co-accused of the petitioner, namely, Manjeet Kaur, has been released on regular bail by this Court vide order dated 08.08.2018 passed in CRM-M No.23843 of 2018, the present petition is allowed and petitioner-Inder Kaur is directed to be released on regular bail on her furnishing bail/surety bonds to the satisfaction of the trial Court.

31.01.2019 **(DAYA CHAUDHARY)**
neetu **JUDGE**

Whether speaking/reasoned Yes

Whether Reportable No

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