

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-512-2020

Date of Decision: 15.01.2020

Prem Lata

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Jasraj Singh, Advocate for the petitioner.

Mr. Prabhjot Singh Walia, Asstt. A.G, Punjab.

...

Manoj Bajaj, J.

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No. 30 dated 03.3.2018, under Sections 302, 148, 149 and 120-B IPC (Sections 449 and 450 IPC were added later on vide DDR No.24 dated 23.05.2018), registered at Police Station Sadar, District Hoshiarpur. She is in custody since her arrest on 04.03.2018.

The FIR was registered on the statement of Rajinder Sharma, who alleged that he had filed a criminal case against his maternal uncle, namely, Ramesh Kumar and his 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 the incident to the complainant as he was not at home at that time. She informed

telephonically to the complainant 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 Chhura (knife) 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 declared them “dead”.

Learned counsel for the petitioner submits that three material witnesses have been examined by the prosecution and they have not supported the prosecution case, who were declared hostile by the trial Court. He further relied upon the order dated 29.11.2019 (Annexure P-2) to contend that the case of the petitioner is at par with the co-accused, who has been extended the concession of regular bail by this Court. He submits that the trial will take sufficient long time for completion as still 18 witnesses remain to be examined by the prosecution, therefore, the petitioner be released on regular bail.

On the other hand, learned State counsel assisted by ASI Dilbag Singh has opposed the prayer on the ground that the petitioner is named in the FIR and inflicted grievous injuries to Seema Sharma and Harsh Sharma (complainant's wife and son) with *Chhura* (knife). However, she does not dispute the fact that three material witnesses including the 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 petitioner, who is a lady, her further custody may not be justified. Therefore, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to her furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court, Hoshiarpur.

The petition is allowed.

15.01.2020
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No