

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-17892 of 2020

Date of Decision: 17.08.2020

Manjit Kaur

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Piyush Sharma, Advocate
for the petitioner.

Mr. Dhruv Dyal, Senior Deputy Advocate
General, Punjab for the respondent.

Anil Kshetarpal, J.

On 08.07.2020, the following order was passed by this Court:-

“The petitioner prays for grant of pre-arrest bail in a criminal case arising from FIR No.80 dated 18.5.2019 registered under Section 325, 323, 34 IPC, Section 302 added later on, at Police Station Dharamkot, District Moga.

In a nutshell, the case of the prosecution has been noticed by the learned Additional Sessions Judge, Moga in para 5, which is extracted as under:-

“5. Present FIR has been lodged by Rajinder Kaur with the averment that her son Jagroop Singh was married to Amanpreet Kaur in the year 2016. Thereafter she along with her son Jagroop

Singh are residing together. Jagroop Singh was working in gaushala at Kishapura. House of Jasvir Singh comes before the house of complainant. To go to house of complainant one has to pass through in front of house of Jasvir Singh. Earlier also Jasvir Singh had raised objection to Jagroop Singh passing in front of his house and picked-up altercation. Panchayat had effected compromise. During night of 4.05.2019 Jagroop Singh as usual came-out in street to go to gaushala for doing his duty. An altercation took place between Jasvir Singh and Jagroop Singh. Complainant was following her son. Jasvir Singh, his father Surat Singh and their relatives Aman Singh and Kala Singh came out of their house armed with sticks. Jasvir Singh raised lalkara to teach a lesson to Jagroop Singh for peeping into their house. All of them started beating Jagroop Singh with their respective sticks and gave lot of beatings inter-alia on his head, left wrist and shoulder. Initially FIR was lodged under Sections 325,323,34 IPC. Jagroop Singh was referred to Medical College, Faridkot He died on 24.05.2019 at Guru Gobind Singh Medical College and Hospital, Faridkot. It led to addition of offence

under Section 302 IPC. On 25.05.2019 complainant Rajinder Kaur got recorded supplementary statement that inter-alia applicant-accused Manjit Kaur and other persons were also present and had given beatings and had been involved in killing of her son. Final report under Section 173 Cr.P.C. has been filed inter-alia against co-accused Ramandeep Kaur and Jasvir Singh. Charge-sheet stands served upon them. Learned Additional Public Prosecutor has argued that applicant-accused and co-accused Surat Singh went absconding.”

Learned counsel for the petitioner contends that occurrence in the present case is alleged to be of 4.5.2019 whereas the FIR was registered against four accused on 18.5.2019. He further submits that the petitioner was not named as an accused. He further submits that the petitioner was named as an accused in the supplementary statement of Mahinder Kaur recorded on 29.5.2019. He further submits that Jagroop Singh died due to septicemia.

Notice of motion.

On the request of the Court, Mr. Amit Mehta, Sr. DAG, Punjab accepts notice on behalf of the State of Punjab. He has contested the prayer made.

Adjourned to 17.8.2020.

Keeping in view the facts of the case, this Court is of the considered view that let the petitioner join investigation.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C. ”

Learned State counsel, on the instructions from Assistant Sub Inspector Manjit Singh, has submitted that the petitioner has joined investigation, co-operated and is not required for further custodial interrogation.

Keeping in view the aforesaid facts, the interim bail granted to the petitioner on 08.07.2020 is made absolute.

Disposed of.

(Anil Kshetarpal)
Judge

August 17, 2020

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No