

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M- 21944 of 2020 (O&M)

Date of decision : 17.9.2020

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Ranjeet Kaur

.....Petitioner

vs.

State of Punjab

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

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

Mr. J.S. Ghuman, Deputy Advocate General, Punjab

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H. S. Madaan, J. (Oral)

Case taken up through video conferencing.

This petition for grant of pre-arrest bail has been filed by petitioner Ranjeet Kaur, aged about 26 years, daughter of Gurmej Singh, resident of village Suba Qadim, Tehsil and District Ferozepur, an accused in FIR No. 73 dated 18.5.2020, for offences under Sections 307, 324, 506, 355, 34 IPC, registered at Police Station Sadar, Ferozepur.

Briefly stated, facts of the case as per the prosecution story are that, the criminal machinery in this case was set into motion by complainant Tirath Singh s/o Baldev Singh resident of village Suba Qadim, Police Station Sadar, Ferozepur, aged about 29 years, who in

the statement recorded by him with the police, stated that he alongwith his family live in a joint house with his uncles Gurmej Singh and Sukhdev Singh, both sons of Darshan Singh. They have a dispute qua partition of house with Gurmej Singh. On 11.5.2020, at about 9.00 A.M. when the complainant had left his house for his fields to bring fodder, then Gurmej Singh s/o Darshan Singh armed with a Kirpan, Gagandeep Singh son of Gurmej Singh armed with a knife, Ranjeet Kaur daughter of Gurmej Singh and Harjinder Kaur wife of Gurmej Singh empty handed, were found standing near the motor in the fields. On a lalkara being raised by Gurmej Singh, Gagandeep Singh gave a knife blow to the complainant, hitting him on the left side of the chest. When the complainant tried to escape, than Ranjeet Kaur and Harjinder Kaur caught the complainant from his hair and Gurmej Singh gave a Kirpan blow on the right side of his chest. Gagandeep Singh again gave a knife blow, hitting the complainant on his right arm bicep and one more knife blow given by Gagandeep Singh hit the complainant on the lower side of left arm bicep. The complainant became unconscious. Father of the complainant-injured arrived at the spot. Then all the assailants ran away from there alongwith their respective weapons. The complainant – injured was removed to Civil Hospital, Ferozepur, from where keeping in view his serious condition, he was referred to GGS hospital, Faridkot, and from there to DMC Ludhiana. After registration of FIR, investigation in the case started.

Apprehending their arrest in this case, Harjinder Kaur and Ranjeet Kaur (present petitioner), had approached the Court of Sessions at Ferozepur, seeking pre-arrest bail. Their such application was assigned to Additional Sessions Judge (Fast Track Court, Exclusively dealing with rape cases), Ferozepur, who vide order dated 30.7.2020, had dismissed the application. Feeling aggrieved, Ranjeet Kaur-petitioner has knocked at the door of this Court, by filing the present petition, craving for grant of similar relief, notice of which was given to the State.

I have heard learned counsel for the petitioner, learned State counsel, besides going through the record.

Learned counsel for the petitioner has contended that the petitioner is a young girl of 26 years and a student of M.Sc Maths. She had been pursuing IELTS and has not taken part in the incident. Furthermore, even as per the prosecution story, she was not having any weapon and had not caused any injury to the complainant. Furthermore, there is a counter version of the incident, though it was not recorded by the police and Gagandeep Singh from the accused side had suffered in as much as 6 injuries. He has pointed out to copy of MLR of Gagandeep Singh, placed on record as Annexure P-2. Learned counsel has further contended that the petitioner has joined the investigation as per directions issued by this Court and she has been released on interim bail. Therefore, her custodial interrogation is not necessary and she be granted pre-arrest bail.

Learned State counsel, on instructions from SI Amandeep

Kaur, states that petitioner has in fact joined the investigation and no recovery is to be effected from her. Therefore, her custodial interrogation is not required by the Investigating Agency.

Keeping in view the detailed discussion above, I find it a fit case to grant pre-arrest bail to the petitioner. Accordingly, the interim bail granted to the petitioner vide order dated 7.8.2020, is made absolute, subject to fulfillment of following conditions under Section 438(2) Cr.P.C.:-

- i) that the petitioner shall appear before the Investigating Officer as and when required and as and when summoned by the I.O.;
- ii) that the petitioner shall not give any threat or intimidation to the prosecution witnesses.
- iii) that the petitioner shall not leave India without the prior permission of the Court.
- iv) that the petitioner shall surrender her passport before the Investigating Officer and if she is not having passport then she shall file an affidavit in that regard.

In case the petitioner violates any term and condition on which the bail has been granted to her, the prosecution would be entitled to apply for cancellation of bail.

The petition in that way is allowed.

17.9.2020
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(H.S. Madaan)
Judge

Whether speaking / reasoned
Whether reportable

Yes / No
Yes / No