

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-22908-2020 (O&M)

Date of Decision:-**7.9.2020**

SURINDER KAUR @ SHINDO AND ANR.

... Petitioners

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. R.D. Rattewal, Advocate,
for the petitioners.

Mr. Pawan Sharda, Senior DAG, Punjab.

(Proceedings conducted through video conferencing).

GURVINDER SINGH GILL, J.

CRM-21463-2020

1. Notice of the application.
2. At this stage, Mr. Pawan Sharda, Senior DAG, Punjab, upon whom an advance copy of the application had already been served, accepts notice on behalf of the respondent and has submitted that he has no objection in case the application is accepted and matter is argued today as he has already obtained instructions from ASI Kewal Krishan.
3. In view of the aforesaid facts and circumstances, the application is allowed and the amended petition is taken on record subject to all just

exceptions.

CRM-M-22908-2020

1. The petitioners seek grant of anticipatory bail in a case registered vide FIR No.67 dated 28.5.2018 under Section 302 IPC at Police Station Balachaur, District SBS Nagar.
2. The FIR in question was lodged at the instance of Shingara Singh wherein it has been alleged that on 28.5.2018 when he along with his son was present at their home, his wife Jaswinder Kaur had gone outside to the Dera of Gujran. Shortly thereafter he heard a loud noise and he along his son ran outside and noticed that Ranjit Kumar who is his real nephew was giving beatings to Jaswinder Kaur with a wooden log and who upon noticing complainant ran away from the spot on his motorcycle. The complainant's wife Jaswinder Kaur however, succumbed to her injuries at the spot. The complainant alleges that earlier also aforesaid Ranjit Singh with the help of other members of his family had given beatings to his wife Jaswinder Kaur and also to his daughter Paramjit Kaur and that he was having full support of Baggu and Dilbagh Singh who is father of Ranjit Singh.
3. Learned counsel for the petitioner has submitted that even if the allegations as levelled in the FIR are taken to be correct, still it is very apparent that it is only Ranjit Singh who had caused injuries to complainant's wife and that the petitioners were never present at the spot.

It has further been submitted that the petitioners have however been summoned subsequently with the aid of Section 319 Cr.P.C. and as such not required to be detained in custody at this stage. It has further been submitted that another co-accused namely Dilbagh Singh who was also summoned with the aid of Section 319 Cr.P.C. has already been granted bail.

4. Opposing the petition, learned Stated counsel has submitted that since there are allegations against the petitioners and in fact Baggu is also named in the FIR, therefore, no case for grant of anticipatory bail is made out. It has however not been disputed that the petitioners have been summoned with the aid of Section 319 Cr.P.C. and that another identically situated co-accused Dilbagh Singh has since been granted bail by this Court vide order dated 4.8.2020 passed in CRM-M-19876-2020.
5. I have considered rival submissions addressed before this Court.
6. Keeping in view the fact that the petitioners were never present at the spot and are not attributed any injury and have been summoned with the aid of Section 319 Cr.P.C., in my opinion, their detention at this stage when '*Challan*' already stands filed, would not serve any useful purpose. In any case, the petitioners deserve the concession of anticipatory bail on the ground of parity as well since identically situated co-accused namely Dilbagh Singh had already been granted concession of anticipatory bail. The petition, as such, is accepted and it is ordered that the petitioners upon their appearance before Trial Court within 10 days shall be released on bail subject to their furnishing bail bonds and surety bonds to the

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CRM-M-22908-2020(O&M)

satisfaction of Trial Court, which may impose any such condition as deemed appropriate for ensuring regular appearance of petitioners before the Trial Court.

7.9.2020
Gaurav Sorot

(GURVINDER SINGH GILL)
JUDGE

Whether reasoned / speaking? **Yes / No**

Whether reportable? **Yes / No**