

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

Criminal Misc.M-24205 of 2020 (O&M)

Date of Decision: September 17, 2020

Rani @ Seema Rani & another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Chandan Singh Rana, Advocate,
for the petitioners.

Mr. Sidakmeet Sandhu, AAG, Punjab.

Mr. Prateek Pandit, Advocate,
for the complainant.

MANOJ BAJAJ, J. (Oral)

Petitioners have filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.122 dated 14.06.2020, under Sections 307, 323, 324, 341, 506, 148 and 149 IPC, registered at Police Station, Kotwali Kapurthala, District Kapurthala. The petitioners are in custody since their arrest on 16.06.2020.

The above FIR was registered on the statement of complainant Balwant Singh, wherein it was stated that on 14.06.2020 at about 8.30/9.00 a.m., he received an information that Harjit Singh, Nirbhail Singh @ Nanna, Maanga, Bill and Bablu had caused multiple injuries to his brother Kulwant Singh on his chest, both arms and neck with sharp edged weapons and he was lying unconscious condition in front of house of Kashmir Singh. On receipt of information, he immediately reached at the spot and after making arrangement of ambulance, rushed Kulwant Singh to Civil Hospital, Kapurthala. On the same day, at about 10.00/ 10.30 a.m., when he along

with Makhan Singh (brother) stepped out of their house, in order to report the matter to the police, they saw Harjit Singh armed with knife, Bobby armed with dang-sua, Nirbhail Singh @ Nanna armed with baseball bat, Maanga armed with sword, Billa armed with Khanda, Babbu armed with kirch and Rani wife of Maanga and Raj Kaur wife of Harjit were standing there in the street and were hurling abuses to them. Billa raised lalkara to teach them lesson like Kulwant Singh. Upon this, all the accused opened attack. Nanna gave baseball bat blow which hit on the head of Makhan Singh, Maanga gave sword blow which hit on left hand of Makhan, Harjit gave knife blow on chest and flank of Makhan. Babbu gave dang blow which hit on right side of his shoulder, Billa gave khanda blow on the neck of Makhan. Makhan fell on the ground and while lying on ground, Babbu gave kirch blow on his chest and Nirbhail Singh gave baseball blow on his head, due to which he fell down on the ground. Rani and Raj Kaur, were hurling abuses to complainant party and instigating the other accused to eliminate them. On hearing noises, inhabitants of locality gathered at the spot and on seeing them, accused persons fled away from the spot along with their respective weapons. On these broad allegations, the above FIR was registered.

Learned counsel for the petitioners contends that though the petitioners were named in the FIR, but they never caused any injuries to the victims. It is pointed out that as per prosecution, the petitioners raised exhortation and instigated the other accused. He submits that the investigation of the case is complete as the final report stands filed before the Court. Leaned counsel contends that, the further custody of the petitioners may not be necessary and prays for grant of regular bail to the

petitioners, during the pendency of the trial.

On the other hand, the prayer has been opposed by the learned counsel for the complainant and as well as the learned State counsel assisted by SI Amandeep Kaur. It is pointed out that the complainant along with his brothers suffered injuries in the said occurrence and the petitioners were present and participated in the crime along with other co-accused. He has produced the copies of the M.L.Rs in respect of the injuries suffered by the victims. However, it is not disputed by the learned State counsel that the petitioners did not cause any injury to the victims.

Considering the above background, custody of the petitioners who are ladies, and the fact that the trial is likely to consume considerable time to conclude as the country continues to be in the throes of global pandemic, namely, COVID-19 and the State Government and District Administration have also imposed various restrictions to curb its spread, this Court does not find any reason to decline the prayer. The petitioners after their arrest on 16.06.2020, are presently confined in judicial custody, therefore, their further detention behind the bars may not be justified.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioners be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate, Kapurthala.

The petition is allowed.

September 17, 2020
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No