

IN THE HIGH COURT OF PUNJAB AND HARAYANA AT CHANDIGARH
202 (PROCEEDINGS TRHOUGH V.C.)

CRM-M-26319-2020

Date of decision: 08.10.2020

RAJWANT KAUR

...PETITIONER

V/S

STATE OF PUNJAB

..RESPONDENT

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Arihant Jain, Advocate,
for the petitioner.

Mr. B.S.Sewak, Addl. A.G. Punjab
for the State.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Prayer in this petition is for grant of regular bail in case FIR
No. 174 dated 26.06.2020 under Sections 304/316/498-A IPC, registered at
Police Station City Sunam, District Sangrur.

It is the contention of the learned counsel for the petitioner that
primarily because of a family dispute relating to the property, the present
FIR has been filed with false allegations. It is asserted that the allegation
with regard to the petitioner has been found to be not correct and for this
reason, Section 304 IPC stands deleted at the time of presentation of
challan. Challan has now been presented under Sections 316 & 498-A IPC.
Petitioner is a 58 years old lady. The investigation is over and with the
presentation of challan, the petitioner now deserves the concession of bail
especially when Section 304 IPC stands deleted. It is asserted that the case
is of medical evidence which is the subject matter of trial to be decided by
the Court on the basis of the evidence to be led by the parties. The trial is

not likely to conclude in near future and, therefore, the concession of bail be granted to the petitioner.

On the other hand, learned counsel for the State submits that there are specific serious allegations against the petitioner and, therefore, the petitioner does not deserve the concession of bail.

On a specific question put by this Court as to whether Section 304 IPC stands deleted while presenting the challan, counsel for the State has, very fairly, on instructions from SI Balkar Singh, Police Station City Sunam, District Sangrur, submitted that the challan has been presented under Sections 316/498-A IPC.

Having considered the submissions made by the learned counsel for the parties and keeping in view the facts and circumstances of the present case especially the age of the petitioner and also the fact that the case revolves around the medical evidence which has to be, on the basis of the medical evidence, produced by the prosecution required to be considered by the trial Court. The trial is not likely to conclude in near future and, therefore, the present petition is allowed.

Petitioner is directed to be released on bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Chief Judicial Magistrate/Duty Magistrate, Sangrur.

Any observation made herein above shall have no bearing on the merits of the case during trial in any manner.

October 08, 2020

pj

**(AUGUSTINE GEORGE MASIH)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable : Yes/No