

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M-36986 of 2020
Date of Decision: December 21, 2020

Kammo

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Lakhwinder Singh Sidhu, Advocate,
for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.152 dated 21.08.2019, under Sections 302, 148 and 149 IPC, 1860, registered at Police Station, City Budhlada, District Mansa. The petitioner is in custody since her arrest on 10.09.2019.

The above FIR was registered on the statement of complainant-Sita Devi, wherein it was alleged that on 21.08.2019 at about 7.00 a.m., complainant was sweeping the street in front of her house. Kammo, Nimmo and Aarti were standing in front of the house of father-in-law of complainant and were hurling abuses and fighting with her in-laws family. Upon hearing the noise, the husband of the complainant, namely, Manga Ram went towards the house of her father-in-law. He tried to stop the ladies

from hurling abuses. Bhinder and Bunty came there. Bunty was armed with iron Kapa, whereas Bhinder alias Bhindi was armed with iron dagger (Chhura). Puti raised a lalkara, upon which Labh Ram caught hold of Manga from his arms and Bunty gave Kapa blow in his abdomen and Bhinder alias Bhindi gave dagger blow on the left side of chest of Manga Ram. Nimmo, Aarti, Kammo, Labh Singh and his wife Puti engulfed Manga and dragged him to inside their house. Rinku Ram, husband of Nimmo gave hockey blow upon Manga Ram and Bhinder gave more dagger blows on the left side of abdomen and backside and near his right nipple. Thereafter, all the accused ran away along with their respective weapons. Manga Ram was taken to Civil Hospital, Budhlada, where the doctors declared him as dead. On these broad allegations, the above FIR was registered.

Learned counsel for the petitioner contends that the co-accused of the petitioner, namely, Nimmo alias Nimo has been released on regular bail vide order dated 01.07.2020 and has produced the copy of the order. He has submitted that though the charges have been framed, but no witness has been examined so far and, therefore, the further custody of the petitioner may not be necessary. He prays for regular bail.

On the other hand, the learned State counsel, assisted by ASI Gursharan Singh has opposed the prayer on the ground that the petitioner was the member of the unlawful assembly and participated in the crime. However, it is not disputed by him that the case of the petitioner is similarly situated as her co-accused, namely, Nimmo, who is on bail.

Considering the above background, custody of the petitioner and the fact that the trial will take considerable time to conclude in the wake

of outbreak of pandemic COVID-19 in the region, this Court does not find any reason to decline the prayer. The petitioner is presently confined in judicial custody since 10.09.2019 and her further detention may not be necessary for any useful purpose.

Resultantly, without meaning any expression of opinion on the merits of the case, the petition is allowed and it is ordered that the petitioner be released on regular bail, subject to her furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate, Mansa.

December 21, 2020
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No