

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-47994-2019 (O&M)
Date of decision: 05.03.2020

Kamaljit Kaur

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Aayush Gupta, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. S.P.S. Aulakh, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.0023 dated 07.03.2019 under Sections 302, 34 IPC and Sections 25 & 27 of Arms Act, registered at Police Station Meharban, District Police Commissionerate Ludhiana.

Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of Dharamvir Singh, husband of the petitioner, namely Jagdev Singh @ DC is his neighbour and on the date of occurrence, he started firing with his 315 bore rifle from his roof and also started abusing the complainant side. Thereafter, he came down from the roof and while coming towards gate of house of the complainant, he fired shot, which hit his father on the lower portion of his mouth and he fell down. The complainant along with Jaspinder Singh, Daljit Singh and Rupinder Singh took

his father to DMC Hospital, Ludhiana, where he died under treatment. It is further stated in the FIR that petitioner Kamaljit Kaur was instigating her husband Jagdev Singh @ DC and the incident was witnessed by her and the persons named above. The motive behind the incident is stated to be a grudge on account of Panchayat elections, in which the complainant side was elected unanimously and the same was not acceptable by Jagdev Singh @ DC. It is further submitted that while making the allegations of firing, the complainant has only referred to Jagdev Singh @ DC and while referring to the motive, complainant referred to Jagdev Singh @ DC and not to the petitioner, who is wife of said Jagdev Singh @ DC. Even in first part of the FIR, where the description of the incident is given, the petitioner is not referred to and only in the second part, it is stated that the petitioner was instigating her husband.

Learned counsel for the petitioner has relied upon inquiry report dated 28.05.2019, wherein the Additional Deputy Commissioner of Police-4, Ludhiana, on conclusion of the same, has found that the petitioner was not present at the spot, where the firing incident took place and she was inside her house. It is further submitted that thereafter, supplementary challan was presented before the trial Court, however, the Investigating Officer withdrew the same later on. It is also submitted that statements of complainant as well as eyewitness are to be recorded; the petitioner has two school-going children and there is no one to look after them and the main accused Jagdev Singh @ DC is in custody.

Learned State counsel, on instructions from ASI Gurmukh Singh and on the basis of affidavit of ACP (East), Ludhiana, has not disputed the fact that as per the prosecution story, the petitioner has not caused any injury to the complainant side and in the inquiry report dated 28.05.2019, the petitioner was

found to be innocent and this report was approved by the Commissioner of Police, Ludhiana on 12.06.2019.

Learned counsel for the complainant has, however, opposed the prayer for bail on the ground that active involvement of the petitioner is there and motive is that on account of Panchayat elections, both the accused persons have caused injuries. Learned counsel has referred to certain photographs to submit that even on previous occasions, husband of the petitioner fired on wall of house of the complainant, however, a perusal of the inquiry report shows that it is nowhere stated by the complainant side that on a previous occasion, co-accused Jagdev Singh @ DC has ever opened fire towards his property.

After hearing learned counsel for the parties and considering the submissions made by learned counsel for the parties, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing her bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

It is clarified that the observations made herein shall have no bearing on merits of the case, as these are only for the purpose of deciding the present bail application.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

05.03.2020
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No