

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

(I) **CRM-M-54738-2019 (O&M)**
Date of Decision:- 30.1.2020

Charanjit Kaur	Versus	... Petitioner
State of Punjab		... Respondent

(II) **CRM-M-52021-2019 (O&M)**

Rachpal Kaur	Versus	... Petitioner
State of Punjab		... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Sandeep Gahlawat, Advocate,
for the petitioner in **CRM-M-54738-2019**.

Ms. Amandeep Kaur, Advocate,
for the petitioner in **CRM-M-52021-2019**.

Mr. Saurav Khurana, DAG, Punjab.

Mr. Harpinder Singh Jalal, Advocate,
for the complainant in **CRM-M-52021-2019**.

GURVINDER SINGH GILL, J.

1. This order shall dispose of the above mentioned two petitions wherein petitioners Charanjit Kaur and Rachpal Kaur, have approached this Court seeking grant of anticipatory bail in respect of a case registered against them vide FIR No.80, dated 22.11.2019,

registered at Police Station Thulliwal, District Barnala, under Sections 148, 149, 323, 307, 447, 506 IPC and Section 25/27 of Arms Act.

2. Mr. Harpinder Singh Jalal, Advocate has appeared on behalf of the complainant and filed power of attorney (in CRM-M-52021-2019). The same is taken on record.
3. The FIR in question was lodged at the instance of Satnam Singh wherein it has been alleged that there is a dispute over land measuring 11 kanals situated in village Rakba Wajidke Khurd between them and Jasvir Kaur, Rachpal Kaur and Charanjit Kaur and although a compromise had earlier been got effected with the intervention of Superintendent of Police (Headquarters), as per which the aforesaid 11 kanals of land was to be given to Jasvir Kaur etc. but Jasvir Kaur did not sign on the compromise deed. The respectables of the village had told them to plough the land only after signing of the compromise deed but Jasvir Kaur did not come forward for the same. It is alleged that on 21.11.2019 at about 3 p.m. Charanjit Kaur (petitioner) and Rachpal Kaur (petitioner) accompanied by 8/10 unidentified persons came there and started ploughing the land in question where the complainant had sown wheat. It is alleged that Charanjit Kaur and one unknown person were carrying pistols while the remaining were carrying iron rods, baseball bats, sticks etc. When the complainant came to know about the same, he along with his nephews namely Sarabjit Singh and Sukhdev Singh went to the spot and confronted them as to why they were ploughing the land

even without having signed the compromise deed. It is alleged that Charanjit Kaur, Rachpal Kaur and other unidentified persons became furious upon being confronted and thereafter Charanjit Kaur fired a shot from her pistol at complainant's nephew Sarabjit Singh hitting him at his back. It is further alleged that Rachpal Kaur and other unknown persons caught hold by him from his legs and arms and the unknown persons caused serious injuries to him with their weapons. When the complainant tried to rescue him then the said assailants threatened to cause injuries to him as well.

4. Learned counsel for the petitioners have submitted that the petitioners have falsely been implicated in the present case simply in order to pressurize them to give up their legitimate claim in the land in question. The learned counsel have further submitted that although as per the FIR a fire arm injury is alleged to have been caused but the MLR does not reflect any such injury and as per the MLR (Annexure P-2), the weapon used for causing injuries has been stated to be 'blunt edged weapon'. The learned counsel has further submitted that as per the MLR no injury has been opined to be 'grievous injury' and as such the petitioners deserves the concession of bail.
5. Opposing the petition(s), learned State counsel assisted by learned counsel for the complainant has submitted that in fact injury No.8 is a fire arm injury which is in the nature of 'oval shaped laceration'. Learned State counsel has also shown an injury report stated to have

been obtained from Arora Neuro Centre, Ludhiana, wherein at the bottom of the report it is written “injury _____ grievous”.

6. I have considered the aforesaid submission.
7. A perusal of the MLR (Annexure P-2) indeed does not reflect clearly as to whether any of the injury has been caused with any fire arm as the weapon stated to have been used has been opined to be a blunt edged weapon. Although the injured was initially examined at a Government Hospital wherein MLR (Annexure P-2) was prepared but the opinion now sought to be relied upon by learned State counsel is from some private hospital.
8. Having regard to the aforesaid position where in the MLR none of the injury has been opined to be grievous and is not stated to be even a fire arm injury and while also noticing that both the petitioners are ladies, this Court is of the opinion that custodial interrogation of the petitioners is not warranted.
9. The petitions, as such are accepted. Interim directions issued qua Rachpal Kaur vide order dated 6.12.2019 in CRM-M-52021-2019 are made absolute. The petitioner-Charanjit Kaur (in CRM-M-54738-2019) in the event of her arrest be released on bail subject to her furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, petitioners shall join investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

9. It is clarified that none of the observations made above especially as regards the nature of injuries shall be taken to be a final expression as regards the nature of injury. It shall certainly be open to the investigating agency to seek definite opinion regarding the injuries in question as to whether any of the injury is a ‘grievous injury’ or as to whether any of the injury has been caused with fire arm.

January 30, 2020
mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No