

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CRM-M No.1285 of 2021
Date of decision:21.09.2021

Parwinder Kaur @ Naina

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Shrey Goel, Advocate
for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab.

SUVIR SEHGAL J. (ORAL)

This is the first petition filed by the petitioner under Section 439 of Cr.P.C. for grant of regular bail in case FIR No.47 dated 11.05.2020 registered under Sections 307, 34 of IPC, 1860, and Section 25 of the Arms Act, 1959, at Police Station Daba, Luhiana, Annexure P-1.

As per the case of the prosecution, FIR, Annexure P-1, has been registered on the complaint of Nirvair Singh on the allegation that on 10.05.2020 at about 10.00 PM, when he was standing outside his house, he got into an argument with Sunil Kumar, who was sitting on the pillion of a motorcycle. In the meanwhile, Parwinder Kaur @ Naina (present petitioner), who is the wife of Sunil Kumar instigated her husband, who took out a pistol from his pocket and fired a shot which hit the complainant on the back. All three accused fled away from the spot.

Counsel for the petitioner submits that petitioner has been falsely framed in the case and there are no allegations attracting offence under Section 307 IPC or under the Arms Act against the petitioner. Counsel submits that the petitioner is 35 years old wife and is in custody since

08.06.2020. He submits that the investigation qua the petitioner is complete, she is no longer required for custodial interrogation, challan has been presented and the petitioner deserves to be enlarged on bail.

Per contra, learned State counsel upon instructions from ASI Paramjit Singh, has opposed the petition and submitted that the altercation took place since the petitioner was involved in the trade of prohibited substance and she has been named as an accused in two FIRs registered against her under the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short - "the NDPS Act"). He submits that the incident took place as the neighbours objected to her nefarious activity. Upon further instructions, he submits that challan has been presented on 05.08.2020, charge has been framed on 27.08.2021, trial is underway and 01 out of 11 prosecution witnesses has been examined.

Countering the submission of the State counsel, counsel for the petitioner has referred to the affidavit dated 07.07.2021, Annexure 'A' of the petitioner and submitted that in FIR No.62 dated 28.05.2020, registered under Sections 21 and 29 of the NDPS Act at Police Station Daba, District Ludhiana, petitioner has been framed on the basis of a confessional statement and in the second FIR bearing No.80 dated 19.07.2019 registered under Section 21 of the NDPS Act at Police Station Daba, District Ludhiana, quantity of contraband recovered from her is non-commercial. He submits that yet another case bearing FIR No.51 dated 17.12.2018 under Sections 307, 365, 506, 148 IPC at Police Station Daba, District Ludhiana, has been registered against her due to a previous enmity and no injury has been attributed to the petitioner and she is on bail in all three cases.

I have considered the respective submissions of the counsel for the parties.

Keeping in view the facts and circumstances of the case and particularly, the fact that the petitioner is a young lady and has suffered incarceration for more than one year, three months and ten days and the trial is at the initial stage, this Court is *prima facie* of the view that the petitioner deserves to be enlarged on bail during the pendency of the trial.

Without commenting upon the merits or de-merits of the arguments addressed by the counsel for the parties, the petition is allowed. The petitioner is ordered to be released on bail on furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

It is clarified that any observation made hereinabove shall not be construed as an expression of opinion on the merits of the case.

21.09.2021

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(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No