

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M No.3213 of 2021(O&M)
Date of Decision: 16.02.2021**

Harjinder Kaur

.....Petitioner

Vs

State of Punjab

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present:Mr. Karanjit Singh, Advocate
for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab.

Mr. G.S. Bawa, Advocate for
Mr. G.S. Randhawa, Advocate
for the complainant.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439
Cr.P.C in case bearing FIR No.133 dated 16.06.2020 registered
under Sections 302, 307, 323, 120-B, 148, 149 IPC and
Sections 25, 27, 54 and 59 of the Arms Act at Police Station
Dhariwal, District Gurdaspur.

The FIR was registered on the statement of Gurpreet Singh alleging that on 16.06.2020 at about 8:30 AM, he along with sons of his parental uncle Gagandeep Singh and Dilpreet Singh had gone on vehicles towards their agricultural fields. They parked their vehicles on the katcha path. Jaswinder Singh @ Fauji came to the fields duly armed with double barrel gun along with his son Sukhmandeep Singh and son-in-law Gurbinder Singh. The aforesaid Jaswinder Singh @ Fauji had constructed his house near the fields of the complainant. On coming to the spot, Jaswinder Singh @ Fauji fired two shots from his rifle towards Gagandeep Singh, out of which, one hit on the left arm and other shot hit on the chest of Gagandeep Singh. When Dilpreet Singh came forward to stop Jaswinder Singh @ Fauji, then Sukhmandeep Singh got scuffled with Dilpreet Singh. In the meantime, Gurbinder Singh took the rifle from Jaswinder Singh @ Fauji and loaded it with cartridges and fired towards Dilpreet Singh, hitting on the right side of lower abdomen and left side of chest of Dilpreet Singh. Dilpreet Singh fell down in the paddy fields. When complainant raised alarm, then Sukhmandeep Singh took rifle from his brother-in-law and loaded the same with cartridges and fired upon the complainant, but the fire did not hit him. Petitioner and Amandeep Kaur were standing at the gate of the house of Jaswinder Singh @ Fauji duly armed with swords and were exhorting to the co-accused

that the complainant party should not be allowed to go scot-free.

On hearing alarm, father of the complainant i.e. Amrik Singh came to the spot and asked him to run away. When the complainant was running away, the assailants threw some heavy objects towards him, hitting on his right leg near thigh. During process of his running from the spot, gun shots were fired. The assailants were firing the shots behind the complainant and the complainant got himself saved by entering in a motor room. Father of the complainant also reached there and consoled him. Amarjit Singh Laadi also came there and thereafter, all these persons went to the place of occurrence. Gagandeep Singh was lying on the outer side of the passage and he had already died. Dead body of Dilpreet Singh was thrown in the courtyard and assailants had gone from there.

As per prosecution story recorded in the FIR, the petitioner was shown standing at the gate of her house. At the time of firing upon Gagandeep Singh, Dilpreet Singh and the complainant, there was no exhortion/lalkara given by the petitioner. It was only after the third fire made by Sukhmandeep Singh, which ultimately did not hit anyone, the petitioner allegedly made lalkara not to allow the complainant party to go scot-free.

Only lalkara has been attributed to the petitioner that

too after killing of two persons and after firing by Sukhmandeep Singh at the complainant, which ultimately did not hit him.

Learned State counsel duly assisted by learned counsel for the complainant opposed the bail on the ground that the lalkara is a continuous process.

Perusal of the FIR would show that lalkara came to be made only after killing of two persons and firing by Sukhmandeep Singh at the complainant when the same missed the target. Complainant has not explained his stand in any supplementary statement viz-a-viz involvement of the petitioner from the very beginning. Challan stands presented, but charges have not been framed so far.

Keeping in view the aforesaid status of the petitioner where only lalkara is attributed that too after killing of two persons and after firing by Sukhmandeep Singh at the complainant, which ultimately did not hit him, I deem appropriate to enlarge the petitioner on regular bail without meaning anything on the merits of the case.

In view of above, petition is allowed. Petitioner is ordered to be released on regular bail, subject to her furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

16.02.2021	(RAJ MOHAN SINGH)
<i>Prince</i>	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No