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

**CRM-M No.3227 of 2021(O&M)
Date of Decision: 06.04.2021**

Vijay Laxmi

.....Petitioner

Vs

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. GBS Dhillon, Advocate
for the petitioner.

Mr. Dhruv Dayal, Sr. DAG, Punjab.

Mr. Kamal Deep Sidhu, Advocate
for the complainant.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video conferencing.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.148 dated 25.06.2020 registered under Sections 302, 201, 120-B, 34 IPC and Sections 25, 27, 54, 59 of the Arms Act at Police Station City-I, Abohar, District Fazilka.

The FIR was registered on the statement of Sukhcharan Singh with the allegations that on 24.06.2020 in the evening, after coming back from his duty and after having

dinner, the complainant and his son Gurwinder Singh were having a leisure walk out of the house on the main road. At about 10:00 PM, when son of the complainant sat on the stairs in front of the shop of Queen Beauty Parlor and lights installed outside the shops were on and the complainant was also walking nearby, then suddenly, a car came to be stopped there, in which four unidentified persons were sitting, out of those 4 unidentified persons, 3 youngsters came down from the car and opened fired on the son of the complainant. The complainant ran towards his son on hearing the sound of the bullets. In the meanwhile, all the assailants sat in the car and fled away from the spot.

The complainant stated that he can recognize the above-said youngsters if they are brought before him. The son of the complainant ultimately died in the hospital. The FIR was registered on 25.06.2020. On 26.06.2020, one ASI Bhagwan Singh, who is real brother of the complainant made a statement before the police that his nephew i.e. deceased Gurwinder Singh told him few days ago that one Namandeep Godara @ Pintu i.e. son of the petitioner was having grudge against him because Namandeep Godara @ Pintu suspected that the deceased was having some conversation with the petitioner on phone.

According to the learned counsel for the petitioner, the complainant made supplementary statement on 27.06.2020 naming Namandeep Godara @ Pintu (son of the petitioner), Vikramjit (brother of the petitioner) and Karamjit co-accused in the present case, besides the petitioner who was allegedly sitting in the car. Learned counsel further submitted that the petitioner is resident of Street No.1, Abohar and so as Namandeep Godara @ Pintu. Sukhcharan Singh is also resident of Street No.1 of the same locality, therefore, the complainant should have named Namandeep Godara @ Pintu, Vikramjit and the petitioner in the FIR instead of naming some unknown persons in the FIR, which was only on suspicion which arose on account of statement of ASI Bhagwan Singh made after three days of the occurrence. The complainant nominated the petitioner and others in his supplementary statement dated 27.06.2020 only on the basis of statement of aforesaid ASI Bhagwan Singh.

Learned State counsel duly assisted by learned counsel for the complainant, however, opposed the bail on the ground that as per call details of the petitioner and other co-accused, their location was found to be same and after the occurrence, they had gone to the house of Jagmandeep Singh @ Minku.

On the basis of these call details, the complicity of the petitioner viz-a-viz other co-accused is sought to be established by the prosecution.

On the basis of aforesaid material, it appears that the petitioner is prima facie an accused of the offence on the basis of criminal conspiracy under Section 120-B IPC. No overt-act has been attributed to the petitioner in terms of firing shots upon the deceased. In case of any suspicion erupted on account of some relationship between the petitioner and the deceased, she would not have participated in the crime. All these assertions and denial would be tested by the trial Court on the basis of quality of evidence to be brought on record by the parties. As of now, after filing of challan and framing of charges, no prosecution witness has been examined so far and the petitioner is in custody since 01.07.2020. Due to ongoing Pandemic COVID-19, the trial of the case may take some time in its culmination.

At this stage, keeping in view the aforesaid facts and circumstances of the case, I deem it appropriate to enlarge the petitioner who is a lady on bail, without adverting to 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.

06.04.2021	(RAJ MOHAN SINGH)
<i>Prince</i>	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No