

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

CRM-M-8503-2021 (O&M)
Date of Decision:-2.9.2021

Kulwinder Kaur

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Prateek Pandit, Advocate for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by ASI Dalwinderbir Singh.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in a case registered vide FIR No.14 dated 21.2.2020 registered at Police Station Fattu DHINGA, District Kapurthala under Sections 323, 324, 326, 341, 148 and 149 of Indian Penal Code, wherein offence under Section 326 IPC was added later on.
2. The FIR was lodged at the instance of Balwinder Singh, wherein it is alleged that on 21.1.2020 at about 6:00 p.m. when he alongwith his uncle Santokh Singh was proceeding to his uncle's house and was a little behind his uncle, then he was attacked by Gurpreet Singh @ Gopi, who was armed with a 'dadar', Babbu Man, who was also armed with a 'dadar', Swaran Singh @

Laddi, who was carrying a base ball bat, Kulwinder Kaur, who was carrying a wooden stick, Surjit Kaur, empty handed, Veero, empty handed and Mangal Singh. It is alleged that the said persons surrounded the complainant and upon a '*lalkara*' raised by Mangal Singh, Gurpreet Singh @ Gopi gave a blow with '*datar*' towards his head and when the complainant raised his left arm to ward off the said blow, the said '*datar*' hit his left elbow. Thereafter, Babbu Man is alleged to have given a blow with '*datar*' on the left wrist of the complainant. The complainant fell down and upon which Swaran Singh @ Laddi gave a blow with base ball bat on the waist of the complainant. Kulwinder Kaur (petitioner) is also stated to have given a blow with wooden stick below on the waist of the complainant. While the complainant was lying down, Surjit Kaur, Veera and Mangal Singh gave kicks and fist blows to him.

3. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case being a lady so as to pressurize the male members of her family. Learned counsel has further submitted that even as per the allegations levelled in the FIR, she is attributed a blow with a wooden stick below the waist of the complainant and which, in any case, is a simple injury and that the grievous injury is attributed to Gurpreet Singh @ Gopi.
4. Opposing the petition, learned State counsel has submitted that since the petitioner is specifically named in the FIR and is also alleged to have caused an injury, no case for grant of bail is made out. It has, however, been informed that pursuant to interim directions issued by this Court, the petitioner has joined investigation and that the petitioner is not wanted in any other case.

5. I have considered rival submissions addressed before this Court.
6. It is not in dispute that the petitioner was armed with a wooden stick only and is attributed a single blow below the waist of the complainant, whereas the grievous injury is attributed to the co-accused. The petitioner is a lady and, as such, a lenient view can be taken in her case, particularly, in view of the fact that she was not armed with any lethal weapon and only a single injury is attributed to her, which is simple in nature. The petitioner is stated to have joined investigation. In these circumstances, her custodial interrogation is not warranted. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 23.2.2021 are hereby made absolute subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

2.9.2021

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No