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Date of Decision: 12.05.2021

Versus

Surjeet Singh armed with *kirpan* and Bika armed with *kirpan* came there. It is alleged that Joginder Kaur raised *lalkara* exhorting her companions to teach a lesson to the complainants for raising dispute with them every day. It is alleged that Bachittar Singh gave a blow with *datar* hitting on the left side of complainant's head; Rajwinder Singh is alleged to have given a blow with *datar* from its reverse side on the right arm of the complainant; Baby (petitioner) is stated to have given a blow with *dang* hitting the complainant on his right shoulder; Rajwant is also stated to have given a blow with *dang* hitting the left hand of the complainant. It is alleged that when the complainant's brother Jarnail Singh came forward to rescue him, then Rajwinder gave a blow with *datar* hitting on the back side of his head; Bika is alleged to have given a blow with *kirpan* on the chin of Jarnail Singh; Rajwant Kaur is stated to have given a blow with *dang* on the little finger of right hand of Jarnail Singh. The petitioner Baby is stated to have given a blow with *dang* to Jarnail Singh hitting on his forehead. When Jarnail Singh fell on the ground, Rajwant Kaur and Baby gave several *dang* blows hitting him in his abdomen. When the complainant's sister-in-law Baljit Kaur came forward to rescue them, Surjeet Singh gave three blows with *kirpan* to Baljit Kaur hitting on her head. Rajwant Kaur is also stated to have given a *dang* blow hitting on the right shoulder of Baljit Kaur. When they raised alarm, the accused ran away from the spot. Although the

injured were taken to the hospital, but Jarnail Singh succumbed to his injuries.

3. Learned counsel for the petitioner has submitted that she has falsely been implicated in the instant case simply in order to put pressure on all the accused by way of implicating ladies of the house. The learned counsel has further submitted that in any case the petitioner, even as per FIR, is stated to have been armed with a stick and cannot be said to have caused any fatal injuries. It has further been submitted that the petitioner had given birth to a child on 20.08.2019 and that the said minor child is also with her in the jail on account of his tender age. The learned counsel for the petitioner has further submitted that the petitioner, in any case, has been summoned with the aid of Section 319 Cr.P.C. and that her detention at this stage will not serve any useful purpose.
4. Opposing the petition, learned State counsel has submitted that since the petitioner is specifically named in the FIR and is also attributed specific role, no case for grant of bail is made out. The learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 6 months.
5. I have considered rival submissions addressed before this Court.
6. Having regard to the nature of allegations, wherein the petitioner is stated to be armed with a stick and was in fact declared innocent during the course of investigation and has been summoned with the aid of provisions of Section 319 Cr.P.C. and also has a minor child, who is putting up with her in jail, further detention of the petitioner

will not serve any useful purpose as the conclusion of trial will take some time. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on her furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

12.052021

VY/Vimal

**(GURVINDER SINGH GILL)
JUDGE**Whether speaking/reasoned: **Yes/No**Whether reportable: **Yes/No**