

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 204

CRM-M-19302-2020 (O&M)

Date of decision : 07.01.2021

Nusrat

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Atul Goyal, Advocate, for the petitioner.

Mr.Amit Mehta, Sr.DAG, Punjab.

Mr.Amritpal Singh Gill, Advocate, for the complainant.

DEEPAK SIBAL, J. (ORAL)

Case taken up through video conferencing.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.110 dated 17.06.2020, registered under Sections 307/506/341/148/149 IPC at Police Station Jodhewal, District Police Commissionerate Ludhiana.

Briefly stated, the case of the prosecution is that on 15.06.2020, at about 8 p.m., the petitioner, her husband Irfan, alongwith her sons namely Sameer, Bablu and Sonu started hurling abuses at the complainant party and after that hurled bricks at them; when the complainant party went to the corner of the street the petitioner alongwith her sons and 20/25 more persons, who were armed with kirpans, datars, baseball bats etc. attacked the complainant party and inflicted several injuries upon them.

The petitioner is alleged to have inflicted a brick bat blow on the left thumb of the leg of the complainant and a brick blow on the left eye of one Deepu.

Seeking regular bail for the petitioner learned counsel submits that the petitioner, who is a woman aged 45 years, has been falsely implicated in the present case on account of factionalism in the village; she is in custody since 18.06.2020; there is no other criminal case in which she is involved; report under Section 173 Cr.P.C. has already been filed and therefore she is not in a position to influence the

investigation; the case as set out in the FIR is false as in the MLR of the complainant namely Gurjinder Singh the injury attributed to the petitioner is not found; the injury attributed to the petitioner on the left eye of Deepu is simple in nature and that her trial which is yet to commence will take a long time to conclude.

Learned State counsel as also learned counsel for the complainant oppose the grant of bail to the petitioner on the ground that she was a member of an unlawfull assembly which inflicted several injuries on the complainant party including injuries which have been declared dangerous to life.

Whether the case of the prosecution with regard to giving of an injury by the petitioner to the complainant Gurjinder Singh is false will be debated during the course of the trial. However, the petitioner is a lady aged 45 years; she has been in custody since 18.06.2020; she is not involved in any other criminal case; the injury attributed to her qua Deepu is simple in nature; report under Section 173 Cr.P.C. has already been filed and therefore she is not in a position to influence the investigation and her trial which is yet to commence is likely to take a long time to conclude especially in the present circumstances when the world is facing the COVID-19 pandemic.

In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Ludhiana the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

07.01.2021
shamsher

[DEEPAK SIBAL]
JUDGE

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No