

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

CRM-M-35113-2020 (O&M)

Date of Decision: 09.03.2021

Puno

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Ankit Kharbanda, Advocate, for the petitioner.

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

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against her vide FIR No.0022 dated 02.03.2020 at Police Station Ajnala, District Amritsar Rural, under Sections 302/323/148/149 IPC.
2. The FIR in question was lodged at the instance of Manjit Singh, wherein it is alleged that he resides with his family and that land of Dalbir Singh abuts his land and that there is dispute of boundary amongst them. It is alleged that on 01.03.2020, when the complainant along with his brother Lakhbir Singh were pruning the trees on the boundary of their fields, then Dalbir Singh along with his son Sukha Singh and Lakha Singh came there and hurled abuses to them and they being scared returned back to their house. In the evening at about 6.30 PM, when his wife Kashmir Kaur had gone to fields to collect fodder, then Dalbir Singh armed with

Barcha (spear), Sukha Singh and Lakha Singh armed with sticks having *sua* (bodkin) and Balwinder Singh, who is son-in-law of Dalbir Singh armed with stick, Manjot Kaur wife of Sukha Singh and Punnu wife of Dalbir Singh empty handed came there and started abusing his wife. In the meantime, the complainant's father Tarsem Singh came at the spot and after hearing the noise, the complainant also reached at the spot. It is alleged that Balwinder Singh raised a *lalkara* to catch them and to teach them a lesson for changing the boundary and upon which Dalbir Singh gave a *Barcha* blow on the left side of abdomen of complainant's father as a result of which he fell down on the ground. While he was on the ground, Sukha Singh gave a blow with stick having *sua* on his right eyebrow. It is alleged that when his wife came forward to save him, then Lakha Singh gave a blow with stick having *sua* on complainant's wife, which hit on her head. It is alleged that Manjot Kaur and Punnu held his wife from her hair and pulled and pushed her. It is alleged that when the complainant raised alarm, the accused ran away from the spot. It is further the case of the prosecution that Tarsem Singh, who had sustained injuries, was immediately taken to hospital, but he succumbed to his injuries.

3. Learned counsel for the petitioner has submitted that even if the allegations as levelled in the FIR are taken to be correct, still it is apparent that the petitioner was unarmed and the only role attributed is that she had caught hold of the injured i.e. the complainant's wife by her hair and had dragged her and that there is no allegation that she had caused any injury to the deceased.

4. Opposing the petition, learned State counsel has submitted that since the petitioner is specifically named in the FIR and is also attributed an overt act, it is evident that she along with co-accused had formed an unlawful assembly which caused injuries to the deceased and others and as such she does not deserve the concession of bail. Learned State counsel has, however, informed that the petitioner has been behind bars since the last about 1 year and that she is not involved in any other case.
5. I have considered rival submissions addressed before this Court.
6. Having regard to the fact that the petitioner is not attributed any injury to the deceased and was unarmed and the only allegation against her is that she had caught hold the injured i.e. the complainant's wife by her hair and while noticing that the petitioner, who is a lady, has been behind bars since the last about 1 year, further detention of the petitioner will not serve any useful purpose as the conclusion of trial will take some time since not even a single PW has been examined till date. 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.

09.03.2021
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(GURVINDER SINGH GILL)
JUDGE

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