

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

CRM-M- 41046-2020 (O&M)

Date of Decision: January 28, 2021

Shreya Kuthiala

... Petitioner

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Dr. A. R. Sidhu, Senior Advocate with
Mr. Shiv Kumar, Advocate
for the petitioner.

Ms. Monika Jalota, DAG, Punjab

Mr. Amit Jhanjhi, Advocate
for the complainant.

JAISHREE THAKUR, J. (Oral)

CRM-1692-2021

Application is allowed.

Section 326 IPC added to the FIR subsequently is permitted to
be added in the head note and prayer clause of the petition.

Registry is directed to do the needful.

CRM-M- 41046-2020

The instant petition has been filed under Section 439 Cr.P.C.
for grant of regular bail to the petitioner in case FIR No. 241 dated

23.11.2020, under Sections 307, 323,324, 120-B, 148,149 IPC registered at Police Station Division No.2, District Pathankot.

Learned Senior counsel for the petitioner contends that the petitioner herein is in custody in the aforesaid FIR since 23.11.2020. It is *inter-alia* contended that a reading of the FIR would reveal that only role attributed to the petitioner herein is that she raised a *lalkara* and no injuries have been attributed to the petitioner. It is further submitted that there are few chances of the petitioner to influence the complainant in any manner and that due to pandemic COVID-19 situation, the trial is likely to take time, therefore, the petitioner is entitled to be enlarged on bail.

Per contra, learned counsel appearing on behalf of respondent-State, on instructions from ASI Rajesh Kumar and the complainant oppose the grant of regular bail to the petitioner, while submitting that the offences are serious in nature as grievous injuries have been inflicted upon the brother of the complainant on account of the *lalkara* that was raised by the petitioner, however, does not dispute the fact that the investigation in the matter is complete and the challan is likely to be submitted soon.

I have heard learned counsel for the parties.

The petitioner herein has been in custody since 23.11.2020. In view of the fact that the matter stands investigated and the challan is likely to be presented soon and only role attributed to the petitioner is that she raised *lalkara* and that the trial is likely to take time to conclude, no useful purpose would be served by keeping the petitioner behind bar any longer. At this stage, without commenting on the merits of the case, the instant petition is allowed and the petitioner is directed to be released on bail on

his execution of requisite personal bond and surety to the satisfaction of concerned trial Court/Duty Magistrate. However, any observation made herein shall not be construed to be an expression on merits of the case.

January 28, 2021 <i>seema</i>	(JAISHREE THAKUR) JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No