

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

CRM-M-44100-2020
Date of Decision : 18.03.2021

Charanjit Kaur

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Damanjit Singh Sandhu, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

(Through Video Conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

This is a petition filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No. 75 dated 24.06.2020 under Sections 302, 148 and 149 of the IPC registered at Police Station Sadar Moga, District Moga, Punjab.

Learned counsel for the petitioner submits that as per allegations in the FIR registered at the instance of complainant-Naib Singh, it is stated that his son Inderjit Singh was unmarried and had illicit relationship with co-accused Amarjit Kaur @ Nisha, who is daughter of the petitioner and co-accused Balwinder Singh @ Binder. On that pretext, 07 accused persons namely Balwinder Singh @ Binder (husband of the petitioner), Charanjit Kaur (petitioner), son Kulwinder Singh @ Maddi, daughter Amarjit Kaur @ Nisha (with whom illicit relations are alleged), Gurmeet Singh and Gurdeep Singh @ Keeta, armed with different weapons, came to his house and started giving beatings to Inderjit Singh.

Learned counsel for the petitioner further submits that as per allegations in the FIR, the petitioner was armed with *daang* (a wooden stick) and all the accused gave injuries to deceased Inderjit Singh, who suffered total 09 injuries and as per the post-mortem report, the death occurred due to the injury sustained by him on his vital part of the body i.e. brain.

Learned counsel for the petitioner further submits that in fact the petitioner is a household lady and in the FIR, except that she was carrying a *daang*, no specific role is attributed to the petitioner.

Learned counsel for the petitioner further submits that all the family members of the petitioner i.e. her husband, son, daughter and 03 other relatives were arrested and are in judicial custody and only a 13 years old child is living at his house at the mercy of others and there is no one to take care of the minor child as well as the house.

Learned State counsel has filed custody certificate in the Court, as per which, petitioner is in judicial custody for the last 08 months and 11 days and is not involved in any other case.

Learned State counsel, on the basis of the affidavit of SHO, Police Station Sadar Moga, submits that petitioner Charanjit Kaur was armed with *daang* and she, in conspiracy with other co-accused, gave beatings to Inderjit Singh, who died later on. However, a perusal of affidavit shows that it is not specifically stated that which accused caused which injuries to the deceased and there are general allegation that all the accused collectively caused injuries.

Learned State counsel further submits that out of total 09 injuries, the injuries, which were sustained by the deceased on his vital organ i.e. brain, proved fatal.

Learned State counsel, on instructions from the Investigating Officer, further submits that charges have been framed on 01.02.2021 and out of 19 prosecution witnesses, none has been examined.

I have heard learned counsel for the parties.,

Without commenting on the merits of the case and considering the fact that petitioner is a middle aged lady and also in view of the allegation in the present FIR, the instant petition is allowed. The petitioner is ordered to be released on regular bail on her furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate, concerned.

It is made clear that since concession of regular bail is granted to the petitioner on compassionate ground being a lady and also in view of the fact that there is no other person in the family to look after the minor child, it will be not termed as a case precedent.

18.03.2021

Waseem/Chetan

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No