

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

CRM-M-657-2022

Date of decision: 6.5.2022

Simaranpreet Kaur @ Simarjeet Kaur

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. K.S. Sidhu, Sr. Advocate with
Mr. Dushayant Sarvesh, Advocate and
Mr. H.S. Dhindsa, Advocate, for the petitioner.

Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.

Mr. R.S. Bains, Sr. Advocate with
Mr. Vivek Vikas Singh, Advocate, for the complainant.

RAJESH BHARDWAJ, J. (Oral)

Prayer in the present petition is for the grant of regular bail to the petitioner in a case FIR No.272 dated 5.12.2021, registered under Sections 307, 365, 323, 447, 148, 149, 120-B IPC and Sections 25, 27, 54 of Arms Act, 1959, at Police Station Tanda, District Hoshiarpur.

As per the facts of the present case, the present FIR was lodged by Dharnish Singh son of Gurnam Singh. The sum and substance of the allegations in the FIR is that on 5.12.2021 at about 1:00 pm in the afternoon the complainant came to his plot on receiving a phone call that Karanvir Singh son of Balvir Singh is getting the possession of the plot by constructing walls. He reached there and saw the construction being raised there. Then in the meantime, accused came in two vehicles on which police stickers were pasted, out of them Karanvir Singh armed with double barrel gun, his brother-in-law Dilpreet Singh @ Banti armed with baseball, Simarjeet Kaur wife of Karanvir Singh armed with danda/bamboo, Manjinder Singh armed with danda and

Happy armed with baseball and four other unknown person armed with baseball and dandas. The scuffle ensued and in the same Karanvir Singh gave him blow of butt of double barrel gun on his head with an intention to kill him. Banti gave him baseball blows on his right and left shoulders. Simranjeet Kaur and Manjinder Singh armed with Danda gave danda blows on both the arms and back and unknown persons also caused injuries to the complainant. The other accused also caused injuries to the complainant. On the basis of allegations, the FIR was lodged. On the other hand, two days thereafter GD No.42 dated 7.12.2021 was lodged at the behest of the petitioner side. On the commencement of the investigation, the petitioner was arrested on 7.12.2021. The challan was presented. The petitioner approached the learned Additional Sessions Judge, Hoshiarpur praying for the grant of bail, who after hearing the parties, declined the same vide its order dated 14.12.2021. Aggrieved by the same, the petitioner has approached this Court by way of filing the present petition for grant of bail.

Learned senior counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present case. He submits that the petitioner and her husband alongwith other accused have been maliciously implicated in this case. He submits that it was the complainant side, who was aggressor and at their behest their version was recorded by the police. However, two days thereafter, GD No.42 dated 7.12.2021 was lodged on behalf of the petitioner side. He submits that the petitioner is a lady without any criminal antecedents and has never been involved in any other criminal case. He submits that she is behind bars since 7.12.2021 and as the case is of version and cross-version, the matter can be decided only by the trial Court to determine as to which party was the

aggressor. He submits that the investigation already stands completed and the petitioner deserves to be enlarged on bail.

Learned senior counsel for the complainant has vehemently opposed the submissions made by learned counsel for the petitioner. however, he candidly acknowledges that the case is of version and cross-version. He also submits that the injuries mentioned in the MLR are superficial in nature and same could be even self suffered. He acknowledges that the veracity of the allegations in the case being of version and cross-version would be finally assessed by the trial Court, however, he submits that it was the petitioner party, who was the aggressor.

Learned State counsel, on instructions from ASI Amarjit Singh, has submitted that the investigation already stands completed and the case is fixed for framing of charges. She has further submitted that the specific role has been assigned to the petitioner in causing injuries to the complainant and the trial is yet to commence with the examination of prosecution witnesses and as such she is not entitled to be released on bail.

Heard.

It is apparent from the facts and circumstances of the case that the case in hand rests on the version and cross-version. As per the record, both the sides have suffered injuries, which prima facie proves the occurrence. However, the point for determination that which party was the aggressor, totally lies within the domain of the trial Court to be evaluated after appreciation of the evidence to be led before it. There is nothing on record showing that the petitioner has any criminal antecedents and she has never been involved any other criminal case. Investigation already stands completed. In view the overall facts and circumstances, I am of the opinion that learned

counsel for the petitioner has been able to make out a case for grant of regular bail to the petitioner. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail to the satisfaction of the concerned trial Court/Duty Magistrate.

Nothing said herein shall be treated as an expression of opinion on the merits of the case.

			(RAJESH BHARDWAJ)
			JUDGE
6.5.2022		Whether Speaking/Reasoned	: Yes/No
sharmila		Whether Reportable	: Yes/No