

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

CRM-M-4313 of 2022

Date of Decision: 31.03.2022

Satpal Kaur @ Noni

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. P.S. Ahluwalia, Advocate for the petitioner.

Mr. R.S. Khaira, AAG, Punjab.

HARINDER SINGH SIDHU, J

Prayer is for grant of regular bail in case FIR No.93 dated 16.05.2021 under Sections 302,307,397,353,186,34 IPC and Sections 25,27,54,59 of the Arms Act (Sections 212,216,120-B,201,420,467,468 IPC added later) registered at P.S City Jagraon, District Ludhiana Rural.

FIR was registered on the statement of PHG Rajwinder Singh of CIA staff, Jagraon, who stated that he along with ASI Bhagwan Singh, ASI Dalwinderjit Singh and other police officials was on patrolling in a private car. At about 6.00 p.m, when they were going towards railway crossing near Jagraon, they saw one I-10 car of white colour standing under a shed of Grain Market. Two persons alighted from the car. They took out a suit-case of red color and handed it over to some persons, who were sitting in a cabin of Canter parked nearby. The police party went near the Canter to know the identity of those persons. ASI Bhagwan Singh, who was member of the police party recognized one of the occupants of the Canter as

Jaipal, a gangster. Said Jaipal immediately asked his companion Babby

Moga that ASI Bhagwan Singh be dealt with as he had identified them. Babby Moga (Baljinder Singh) caught hold of ASI Bhagwan Singh. Jaipal fired at ASI Bhagwan Singh. The shot hit on the back side of his neck as a result of which he fell down. Meanwhile, another companion of the assailants named Jassi Kharar alighted from the Canter and fired with his pistol at ASI Dalwinderjit Singh, which hit on his back side under hip due to which he fell down. Fourth companion of the assailants, who was standing near the car fired at the complainant but the shot narrowly missed him. Thereafter all the assailants fled away in the car. On account of injuries sustained by them, ASI Bhagwan Singh and ASI Dalwinderjit Singh subsequently died. Fourth person who allegedly fired at the complainant was later on identified as Darshan Singh (husband of the petitioner).

It is the case of prosecution that during investigation, accused Gurpreet Singh @ Lucky, Ramandeep Kaur @ Raman, Satpal Kaur (petitioner), Gagandeep Singh and Jaspreet Singh (petitioner in connected petition bearing CRM-M-49353 of 2021) were nominated as accused for offence under Sections 212,216,120-B,201 IPC.

In the short reply filed by way of affidavit of the DSP, Jagraon, District Ludhiana (Rural) on behalf of respondent-State of Punjab, it has been stated that on 20.05.2021, Jaspreet Singh (petitioner in connected petition) was arrested and at the time of his arrest, 20 live cartridges of .32 bore revolver were recovered from him. During interrogation, Jaspreet Singh disclosed that he knew Jaipal, Jaspreet Singh @ Jassi Kharar, Nanak Chand Singh and Baljinder Singh @ Bubbi. He was also aware that Jaipal and Jaspreet Singh @ Jassi Kharar were proclaimed offenders and in the company of Baljinder Singh @ Bubbi and Darshan Singh, they used to

commit heinous crimes. He used to help them in such occurrences. They used to visit the motor of Darshan Singh after committing the crimes and used it for their residence and meals. Few days prior to the said incident, Baljinder Singh @ Bubbi had called Jaspreet Singh (petitioner in connected case), Darshan Singh, his wife Satpal Kaur Noni (petitioner), Nanak Chand Singh to a rented house situated at Kothe Bagu Jagraon. Jaipal Singh, Jaspreet Singh Jassi Kharar, Gagandeep Singh and Gurpreet Singh Lucky were already present there. They discussed that ASI Bhagwan Singh was trying to get information of their whereabouts. It was also discussed that if any member of the group was apprehended, then all of them would be in trouble. It was decided that ASI Bhagwan Singh had to be liquidated.

It is stated that the petitioner was arrested on 19.05.2021 and two boxes of live cartridges of .12 bore Super Magna Shaktiman Express, each box containing 10 live cartridges, 3 boxes of cartridges of pistol of .32 bore, each box containing 20 cartridges and one box of cartridges of .32 bore revolver (long type cartridges) containing 20 cartridges, 3 magazines of 30 bore rifle, one magazine pistol, one bag of brown colour containing 80 live cartridges of .30 bore spring Field rifle, one revolver belt, one belt for cartridges, 5 rods for cleaning the weapons, four brushes (Pull through), one mobile phone Jio without sim were recovered from her residence.

Mr. Ahluwalia, learned counsel for the petitioner contends that the petitioner has been implicated only because she is wife of Darshan Singh. He states that the petitioner was taken into custody along with her four years old minor son as her husband was absconding at that time. He further contends that offences under Sections 212 and 216 IPC are not

attracted against the petitioner in view of the specific exceptions incorporated therein as per which provisions do not extend to a case where the harbour or concealment is either by the husband or the wife of the person to be apprehended. He submits that the offences under Sections 212, 216 and 201 IPC are bailable and that the petitioner is in custody for the last about ten months. Darshan Singh-husband of the petitioner is in custody.

Without commenting anything on the merits of the case and also bearing in mind the facts of this case besides the fact that the trial is not likely to conclude in near future, in my opinion, no useful purpose will be served by detaining the petitioner behind bars any further. The petition, as such, is accepted. The petitioner Satpal Kaur @ Noni is ordered to be released on bail on her furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

This present petition stands accepted accordingly.

March 31, 2022
manoj

(Harinder Singh Sidhu)
Judge

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No