

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

Date of Decision: 11.07.2022

220/1

CRM-M-15751-2022

MANDEEP KAUR

... Petitioner

v/s

STATE OF PUNJAB

... Respondent

220/2

CRM-M-15763-2022

RANO

... Petitioner

v/s

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Nikhil Kumar, Advocate for the petitioners.
Ms. Ruchika Sabherwal, AAG Punjab.

* * *

VIVEK PURI, J. (ORAL)

This order shall dispose of CRM-M-15751-2022 and CRM-M-15763-2022.

Custody certificate of the petitioners namely, Mandeep Kaur and Rano have been taken on record.

Mandeep Kaur and Rano-petitioners are seeking regular bail in case bearing FIR No.124, dated 02.07.2020, registered under Sections 341, 307, 452, 354, 323, 325, 148, 149 at Police Station Garhshankar, District Hoshiarpur.

Briefly, the FIR has been registered on the basis of the statement of Amritpal Singh wherein it has been alleged that the petitioners

along with their co-accused had inflicted injuries upon him, his mother Sukhwinder Kaur and sister Rajinder Kaur.

Learned counsel for the petitioners contend that the petitioners have been attributed with danda and brick blows. Both the petitioners arrived at the place of occurrence unarmed and the danda and bricks were lifted from the place of occurrence only. The injury under Section 307 IPC has not been attributed to the petitioners. Mandeep Kaur and Rano-petitioners are in custody for a period of 3 months, 25 days and 3 months, 23 days respectively and are not involved in any other case. 10 persons have been arraigned as accused in the instant case and 5 of them have been released on bail and 3 persons are absconding. Only the petitioners along with Jarnail Singh, to whom the injury under Section 307 IPC has been attributed, are in custody and the injured have been discharged from hospital. The investigation of the case is complete and the challan has been presented in the Court.

Learned State counsel has not assailed the aforesaid factual aspects but has opposed the bail application primarily on the score that there were 12 injuries on the person of mother of the complainant, 7 injuries on the person of Sukhwinder Kaur and 4 injuries on the person of Amritpal Singh.

Be that as it may, the injury under Section 307 IPC has not been attributed to the petitioners and they are in custody for a period exceeding 3½ months. They are not involved in any other case. 5 similarly placed co-accused have been released on bail, 3 of the co-accused have been granted regular bail and 2 of the co-accused have been granted pre-arrest bail and the injured have been stated to be discharged from hospital. The conclusion of

trial is likely to take some time and no fruitful purpose would be served by detaining the petitioners in further custody.

As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioners. Therefore, without making any expression of opinion on the merits of the case, it is ordered that the petitioners be released on regular bail subject to their furnishing fresh bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

The petitions are allowed.

11.07.2022

Janki

(VIVEK PURI)
JUDGE

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