

205

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

CRM-M-17965-2022

Date of Decision: September 13, 2022

SIMRAN KAUR ALIAS SEEMA RANI

....Petitioner(s)

VERSUS

STATE OF PUNJAB

....Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Yaseen Seth, Advocate for
Mr. Harpreet Singh Jakhal, Advocate
for the petitioners.

Mr. M.S. Atwal, AAG, Punjab.

AMAN CHAUDHARY, J.(ORAL)

The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in respect of FIR No.207 dated 20.09.2021 under Sections 302/34 IPC, registered at Police Station City Jalalabad, District Fazilka.

The brief facts of the case are that an FIR in this case was got registered on 20.09.2021 by complainant Sonu Singh. His 45 years old mother Raj Kaur is staying with him. Gurwinder Singh @ Gindri borrowed Rs.12,000/- from his jija Boota Singh. On 19.09.2021 at 4.00 PM, his jija Boota Singh and sister Harpreet Kaur had visited the house of Gurwinder Singh @ Gindri to ask for their money back, but he started abusing them. In the meantime, he as well as his mother Raj Kaur also reached the house of Gurwinder Singh @ Gindri, where he saw wife of Gurwinder Singh @

Gindri carrying a wooden stick in her hand accompanied by petitioner-Simran daughter of Mukhtiar Singh carrying soti. Suddenly, wife of Gurwinder Singh @ Gindri and Simran attacked the mother of the complainant Raj Kaur with the sotis and caused injuries upon her. Gurwinder Singh @ Gindri also climbed upstairs and started throwing bricks bats, which hit head of the mother of the complainant. He also received injuries. His mother started bleeding excessively. Many neighbours gathered, upon which, all the accused ran away. He took his injured mother to Civil Hospital, Jalabad, from where the doctors referred her to G.G.S. Medical College & Hospital, Faridkot, but she succumbed to her injuries.

Learned counsel for the petitioner contends that the petitioner who is 20 years old girl has been in custody in this case from 27.11.2021. It is further contended that as per the FIR use Soti has been attributed to her with no specific injury and that she has given beating to the deceased with no specifics of the same. He further contends that the injury that caused the death was by a brick which is attributed to main accused Gurwinder Singh @ Gindri. Learned counsel further contends that challan has been presented and charges have been framed, however, no prosecution witness has yet been examined out of 20 witnesses.

Custody certificate has been filed by the State counsel in the Court today and the same is taken on record. As per custody certificate the petitioner is in custody for the last 9 months and 17 days.

On instructions of ASI Mukhtiar Singh, learned State counsel opposes the bail, however, is unable to dispute the fact that the petitioner has been in custody from 27.11.2021 and also the fact that no specific attribution to the petitioner is there in the FIR and the blow on the head leading to the

death in the case is attributed to the main accused Gurwinder Singh @ Gindri and that no prosecution witness has yet been examined out of the 20 witnesses.

Keeping in view the facts and circumstances of the case, particularly the factum that no specific injury has been attributed to the petitioner and the main injury having been attributed to the Gurwinder Singh @ Gindri coupled with the fact that petitioner is a young girl of 20 years and is in custody for the last 9 months and 17 days; no prosecution witness has been examined as yet out of 20 and the trial is likely to take some time, her further detention behind the bars would not serve any useful purpose and as such the present petition for grant of regular bail deserves to be allowed.

Accordingly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to her furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned and subject to her not being required in any other case. The petitioner shall abide by the following conditions:-

1. The petitioner will not tamper with the evidence during the trial.
2. The petitioner will not pressurise/ intimidate the prosecution witnesses.
3. The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
4. The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.
5. The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/ her from

disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.

6. The petitioner shall not in any manner misuse his liberty.
7. Any infraction shall entail in withdrawal of the benefit granted by this Court.

This Court makes it clear that the observations made herein above are limited for the purposes of present proceedings and would not be construed as any opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

13.09.2022

Sangeeta

**(AMAN CHAUDHARY)
JUDGE**

Whether reasoned/speaking: Yes/No

Whether reportable: Yes/No