

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

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CRM-M-21034-2022

Date of Decision : July 28, 2022

Amandeep Kaur

.....Petitioner

VERSUS

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr.Lakshay Bector, Advocate, for the petitioner.

Mr.R.S.Thind, DAG Punjab

Mr.Gagandeep Singh Virk, Advocate for the complainant

JASGURPREET SINGH PURI . J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.40 dated 11.02.2022 under Sections 323,324,326,341,148,149 and 120-B of the Indian Penal Code (Section 307 IPC added later on), registered at Police Station Sahnewal, District Ludhiana.

It has been submitted by the learned counsel for the petitioner that the petitioner is a lady of the age of 33 years and having two minor children. She is in custody since 31.03.2022 and the investigation of the case has already been completed and thereafter the report under Section 173 Cr.P.C. has been presented before the competent Court on 27.06.2022. He submitted that the allegations against the petitioner were that she had conspired to cause injuries to her husband with the help of some other persons including her brother and is the complainant in the present case.

Learned counsel for the petitioner submitted that it is not the case of the prosecution that the petitioner was even present on the spot but the only case of the prosecution is that her relations with husband became sour, she conspired with the other persons to cause injuries. Therefore, no specified role is attributed to the petitioner for causing injuries except for the conspiracy. He submitted that the investigation of the case is already complete and no recovery is to be effected from the petitioner and apart from the fact that she is a young lady of the age of 33 years, having two minor children, therefore, she may be considered for the grant of regular bail.

On the other hand, Mr.R.S.Thind, DAG Punjab, has submitted that it is correct that the petitioner is in custody from 31.03.2022 and the investigation of the case has been completed and challan has been presented and no recovery is to be effected from the petitioner. He submitted that in fact the petitioner has instigated the other co-accused to attack her husband, since there was a matrimonial dispute between them and it is correct that the petitioner was not present at the spot of occurrence but she has actually conspired and instigated the other co-accused. He has further submitted that there are four injuries on the body of the complainant, who is serving in the Armed Forces and there is also a call recording between the husband and wife, just prior to the incident.

Mr.Gagandeep Singh Virk, Advocate, learned counsel for the complainant submitted that the petitioner was the main accused and it was only because of her instigation that the other co-accused had inflicted injuries upon the complainant. He further submitted that so far as the

physical presence of the petitioner is concerned the same is correct that she was not present at the spot.

I have heard the learned counsel for the parties.

The petitioner is a lady of the age of 33 years and having two minor children, although, now according to learned counsel for the complainant, the children are residing with the complainant. During the course of arguments, learned counsel for the petitioner submitted that before the arrest of the petitioner, these minor children were residing with the petitioner and it was only because she was arrested, the children went to the complainant, who is her husband. During the course of arguments, learned counsel for the petitioner also submitted that the petitioner had got no role to play and the injuries if any, which were inflicted on the husband of the petitioner could be due to some other reasons, which can be considered only at the time of trial. The investigation of the case has already been completed and no recovery is to be effected from the petitioner and she is a lady of 33 years of age. It is not the case of the State that in case the petitioner is released on bail, she may flee from justice or influence the witnesses or may tamper with the evidence.

Considering the facts and circumstances of the case, this Court is of the view that the petitioner is entitled for grant of regular bail. Consequently, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

(JASGURPREET SINGH PURI)

JUDGE

28.07.2022

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Whether speaking/reasoned. : Yes/No

Whether Reportable. : Yes/No