

CRM-M-23956-2021
Date of decision:08.02.2022

Veerpal Kaur Petitioner
Versus
State of Punjab Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

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

Mr. Luvinder Sofat, AAG, Punjab.

Mr. Amaninder Sekhon, Advocate
for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

Instant petition has been filed under Section 439 Cr.PC for grant of regular bail to the petitioner in case registered vide General Diary No.41 dated 17.03.2021 lodged under Sections 341, 323, 148 and 149 IPC (Sections 341 and 308 IPC added later on) at Police Station Sadar Faridkot (cross case in FIR No.42 dated 17.03.2021 under Sections 452, 354, 379-B, 323, 148 and 149 IPC.

Learned counsel for the petitioner inter alia contends that it is a case of version and cross-version in which both the parties received injuries at the hands of each other. He submits that the parties belong to the same family and there was admittedly a civil litigation going on between them qua the possession of the land where the occurrence in question took place.

Learned counsel has submitted that there was a stay order operating in favour of the accused party (Annexure P-1) qua the land wherein the occurrence took place and it was the opposite party, who initiated the occurrence in question by aggressing upon the said land.

While inviting the attention of this Court to the allegations

levelled against the petitioner, he submits that she has been attributed a kasoli blow on the head of the injured Nirmal Singh falling within the mischief of Section 308 IPC. He further submits that as many as 24 prosecution witnesses have been cited by the investigating agency, however, none has been examined till date. Hence, conclusion of the trial shall take considerable time to conclude. Learned counsel has submitted that since the investigation is complete, further incarceration of the petitioner, who is a lady having two small children, would serve no useful purpose, more so, since she has clean antecedents.

Per contra, learned State counsel assisted by counsel for the complainant while opposing the prayer and submissions made by counsel opposite on instructions from ASI Balwinder Singh has not been able to controvert that it is a case of version and cross-version wherein both the parties received injuries at the hands of each other. He has also not controverted the factum of a stay operating in favour of the accused party qua the land wherein the occurrence in question took place.

Heard learned counsel and perused the paper book.

In the facts and circumstances, as enumerated hereinabove and the fact that the petitioner, who is a lady having two small children, has been in custody for almost 8 months, the present petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

08.02.2022
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(MANJARI NEHRU KAUL)
JUDGE

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

