

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

CRM-M-29415-2021 (O&M)

Date of decision: 28.04.2022

Baljit Kaur**...Petitioner****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

Present:- Mr. J. S. Jaidka, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 44 dated 23.05.2020, under Sections 302, 34 of the IPC, registered at Police Station Sadar Raikot, District Ludhiana.

Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of complainant Ranjit Singh, it is stated that he is having a son namely Jiwan Singh, aged about 35 years, and three daughters. On 19.05.2020, he along with his daughter was standing on the gate of their house and saw that their neighbour Talwinder Singh @ Shobha armed with iron pipe and Harvinder Singh @ Ravi armed with a piece of half burnt wood came there and started abusing his son Jiwan Singh. In the meantime, Talwinder Singh @ Shobha gave an iron pipe blow on the head of Jiwan Singh and Harvinder Singh @ Ravi also gave a blow on his head with the piece of wood that he was holding, on which, Jiwan Singh fell down. Talwinder Singh @ Shobha gave another

iron pipe blow on his head and blood started oozing out of his head. When the complainant and his daughter started shouting, both of the accused ran away along with their respective weapons.

Learned counsel for the petitioner further submits that it is further stated in the FIR that motive behind the occurrence was that petitioner Baljit Kaur wanted Jiwan Singh to marry her and when he refused, on the asking of the petitioner, the aforesaid accused, who are petitioner's sons, have committed the offence. It is also stated that some Panchayat was convened and thereafter, the FIR was registered.

Learned counsel further submits that there is no allegation that either the petitioner was present at the spot or she prompted her sons to commit the offence.

Learned counsel further submits that the petitioner is aged about 51 years and has two grown up sons, therefore, the story set up by the prosecution that she wanted to marry Jiwan Singh is highly unbelievable and in fact, is concocted version of the prosecution.

It is further submitted that the petitioner is in judicial custody for the last 01 year, 11 months and 03 days and conclusion of trial is likely to take a long time as out of total 18 prosecution witnesses, only 03 witnesses have been examined so far.

Reply, filed by way of the affidavit of the Investigating Officer, is on record, wherein after verifying the contents of the FIR and investigation conducted by the police, it is stated that Jiwan Singh died in PGI and 03 prosecution witnesses have been examined. It is further stated that the petitioner, by hatching conspiracy with her sons, has committed the offence as she wanted to marry Jiwan Singh.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that the petitioner is in judicial custody for the last 01 year, 11 months and 03 days; she is not involved in any other case and also in view of the fact that conclusion of trial is likely to take some time as out of total 18 prosecution witnesses, only 03 witnesses have been examined so far; the instant petition is allowed. The petitioner is ordered to be released on regular bail on her furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate, concerned.

28.04.2022

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No