

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-26629-2022
Date of decision : 21.07.2022

Baljinder Kaur

... Petitioner

Versus

The State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

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

Mr.Sarabjit Singh Cheema, AAG, Punjab.

VIKAS BAHL, J.(ORAL)

This is a first petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR no.27 dated 09.02.2022 registered under Sections 307, 326, 323, 427, 325, 506, 34 IPC at Police Station Kartarpur, District Jalandhar (Rural).

Learned counsel for the petitioner has submitted that in the present case, the petitioner who is a 40 years old lady, has been in custody since 27.05.2022 and as per the FIR, no specific injury has been attributed to the present petitioner nor the petitioner has been specifically stated to be armed with any weapon. It is also submitted that it is not the petitioner who was driving the Innova vehicle in question which had allegedly rammed into the motor cycle on which the complainant was riding. It is further submitted that the petitioner is not involved in any other case and even in the present case, the present petitioner has got recorded cross version, i.e.

DDR no.35 dated 10.02.2022.

Learned State counsel, on the other hand, has opposed the present petition and has submitted that in the present case, the husband of the petitioner was driving the Innova vehicle in which he, along with other accused including the present petitioner were sitting and he had rammed the said Innova vehicle into the motor cycle on which the complainant was riding and as a result of which, grievous injuries were suffered by the complainant and further co-accused of the petitioner have been attributed specific injuries and as per the FIR, it has already been stated that Dhanwant Singh, Vicky and the present petitioner had again attacked the complainant and the injured Simranpal Singh and all of them inflicted injuries with baseball bats and swords. It is stated that Manjot Singh had suffered two injuries which were declared to be simple in nature and Simranpal Singh had received six injuries, out of which, two were declared to be dangerous to life, although no injury has been attributed to the present petitioner.

This Court has heard learned counsel for the parties and has perused the paper book.

The petitioner is a lady of 40 years of age and has been in custody since 27.05.2022. It has been noticed in paragraph 3 of the order dated 02.06.2022 that the petitioner has minor children, who are school going and a perusal of the FIR would show that no specific injury has been attributed to the present petitioner nor the petitioner has been specifically stated to be armed with any weapon. Even the Innova vehicle was not being driven by the present petitioner. The petitioner is stated to be not involved in any other case.

Keeping in view the above said facts and circumstances, the present petition is allowed and the petitioner is ordered to be released on bail on her furnishing bail / surety bonds to the satisfaction of the concerned trial Court/ Duty Magistrate and subject to her not being required in any other case.

Nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

(VIKAS BAHL)
JUDGE

July 21, 2022
Davinder Kumar

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