

RICHAL @ RANCHAL

... PETITIONER

V/S

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Ritesh Pandey, Advocate for the petitioner.

Mr. Hittan Nehra, Addl. A.G. Punjab.

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VIVEK PURI, J. (ORAL)

Custody certificate has been taken on record.

Richal @ Ranchal, petitioner is seeking regular bail in case bearing FIR No.95 dated 20.11.2021 under Sections 452/325/323/354/34 IPC, registered at Police Station Qadian, District Batala.

Briefly, as per the allegations on 15.11.2021, at about 07:00 P.M., the petitioner along with the co-accused had entered the house of the complainant and inflicted injuries on the person of the complainant and his daughter. The injuries attributed to the petitioner and the co-accused are by means of base ball bat on the person of the complainant and his daughter.

Learned counsel for the petitioner contends that the occurrence took place on account of minor scuffle of young daughters of both the parties. There is no allegation with regard to commission of offence under Section 354 IPC. The co-accused namely Gurmej Masih and Monu @ Monu Masih have been granted regular bail by this Court. The injured have been discharged from the hospital. All the offences except the offence under Section 452/354 IPC are bailable. Furthermore, the petitioner has also been granted interim bail by the Co-ordinate Bench of this Court. The role attributed to the petitioner is only to the effect that she has raised lalkara, caught hold of the complainant from his hair and also given fist blow on the face of Pooja.

Learned State counsel has resisted the bail application on the score that the investigation of the case is still pending.

Be that as it may, the custody certificate indicates that the petitioner have already undergone custody for a period of 01 month and 01 day. The injured have been discharged from the hospital. The custodial interrogation of the petitioner is over and she has been remanded to judicial custody. The petitioner is not involved in any other case. All the offences except the offence under Section 452/354 IPC are bailable. From the allegations as spelt out in the FIR, it will remain a debatable and moot point as to whether the offence under Section 354 IPC is made out or not. The offences are triable by the Court of learned Judicial Magistrate 1st Class. The completion of investigation and the presentation of challan is likely to take some time. No fruitful purpose would be served by detaining the petitioner in further custody. The co-accused have been released on bail.

As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner. Therefore, without making any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to her furnishing fresh bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate. As the petitioner is on interim bail, it is directed that she shall furnish fresh bonds before the Court concerned within a period of two weeks.

The petition is accordingly allowed.

(VIVEK PURI)
JUDGE

25.07.2022

Janki

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