

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-29778-2022 (O&M)

Date of Decision: 6.9.2022

Kiran Bala

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

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

Mr. Mohinder Singh Joshi, Addl. AG, Punjab.

Mr. S.P.S. Aulakh, Advocate,
for the complainant.

KARAMJIT SINGH, J.

CRM-31842-2022

Allowed as prayed for and offence under Sections 325 and 326
IPC are ordered to be added in the head note and prayer clause of the main
petition. Registry to do the needful.

Main case

The present petition has been filed under Section 439 Code of
Criminal Procedure for grant of regular bail to the petitioner in case FIR
No.293 dated 6.8.2021 registered for the offences punishable under
Sections 302, 307, 323, 148, 149, 325, 326 and 120-B IPC at Police Station
City Kharar, District SAS Nagar.

Counsel for the petitioner submits that though the petitioner has
been named in the FIR, only allegations made against her are that at the time
of the alleged occurrence, the petitioner was empty handed and she raised

lalkara. He further submits that the petitioner is in custody for the last more than one year and is having no criminal antecedents and is aged about 55 years. He further submits that after completion of investigation, the police has presented the challan but it will take considerable time for the trial to conclude.

Present petition is resisted by the State counsel as well as counsel for the complainant, both of whom, have submitted that FIR in the present case was registered on the basis of the statement of Jitender Kumar with regard to murder of Rakesh Kumar and the petitioner was specifically named in the FIR. State counsel on instructions from ASI Harminder Singh has not disputed the fact that after completion of investigation, challan has been presented and that the petitioner is in custody for the last more than one year. State counsel as well as counsel for the complainant have further contended that at this earlier stage, no ground is made out to grant the concession of regular bail to the petitioner.

I have considered the submissions made by the counsel for the parties.

Admittedly, the petitioner has been named in the FIR and the only allegations recorded in the FIR against her are that the petitioner was exhorting her co-accused that the complainant party may not be spared. It apparently appears that the petitioner was empty handed and she simply raised *lalkara*. The complicity of the petitioner in the murder of Rakesh Kumar will be unfolded only during the trial. Admittedly, after completion of investigation, challan has been presented and now the case is fixed for framing of charges. Even after framing of charges, it will take considerable time for the trial to terminate. The petitioner who is aged about 55 years is

already in custody for the last about one year and is not involved in any other criminal case. In the given circumstances, no fruitful purpose is going to be served by keeping the petitioner in custody for any further period.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to her furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

September 6, 2022
Paritosh Kumar

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