

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-41467-2022
Date of decision : 14.11.2022

Charanjit Kaur @ Mona

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr. Gurcharan Singh Baina, Advocate
for the petitioner.

Mr.Tarun Aggarwal, Sr.DAG, 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.278 dated 26.12.2021 registered under Sections 307, 34 IPC and Sections 25/27 of the Arms Act, 1959 at Police Station Sadar Samana, District Patiala.

Learned counsel for the petitioner has submitted that in the present case, the petitioner has been in custody since 30.12.2021 and there are 23 witnesses and the charges have not been framed as yet, thus, the trial is likely to take time and the petitioner is not involved in any other case. It is further submitted that in the FIR it has specifically been stated that there were two unknown persons riding on a motor cycle, one of whom had caused a gun shot injury on the left side of waist of the injured Gurjit Singh, who is the younger brother of the complainant Paramjit Singh. It is submitted that it has been mentioned in the FIR that the complainant had

brought before him and the petitioner had not been named in the FIR by the complainant. It is further submitted that the petitioner has been arrayed as an accused person after a delay of 5 days from the date of the alleged occurrence and after 4 days from the registration of the FIR in pursuance of supplementary statement recorded by complainant on 30.12.2021, as per which also there is no allegation against the present petitioner that she had caused any injury to any person much less the brother of the complainant. It is submitted that the petitioner was not even stated to be present when the alleged offence had taken place and the co-accused of the petitioner Resham Singh has been granted regular bail by this Court vide order dated 01.08.2022 passed in CRM-M-19811-2022 and the case of the present petitioner is on a higher footing than that of Resham Singh.

Learned State counsel has opposed the present petition for regular bail and has submitted that it is on the basis of said supplementary statement that the present petitioner has been implicated in the present case and it is the present petitioner who has illicit relations with Resham Singh as per the prosecution case and thus, had conspired with the said Resham Singh to cause injury to the brother of the complainant.

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

The petitioner has been in custody since 30.12.2021 and there are 23 witnesses and since the charges have not been framed as yet, the trial is likely to take time and the petitioner is stated to be not involved in any other case. A perusal of the FIR would show that the petitioner has not been named in the FIR and the complainant had specifically stated that he could recognise the persons who had committed the alleged offence when

confronted. The petitioner has been named as an accused by the complainant in a supplementary statement which was recorded on 30.12.2021, i.e. after a delay of 4 days from the registration of the FIR and even as per the said supplementary statement, no injury has been attributed to the present petitioner and Resham Singh, co-accused of the present petitioner was granted regular bail by this Court vide order dated 01.08.2022 passed in CRM-M-19811-2022 and the case of the present petitioner is on a higher footing than that of Resham Singh.

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.

However, it is made clear that in case, any act is done by the petitioner to threaten or influence the complainant or any of the witnesses, then it would be open to the State to move an application for cancellation of bail granted to the petitioner.

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

November 14, 2022

Davinder Kumar

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No