

110+210

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-28115-2023 in/and
CRM-M-525-2023
Date of Decision: 12.07.2023

Daljit Kaur @ Chhindo

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Mohd. Salim, Advocate
for the petitioner.

Mr. Amish Sharma, Assistant Advocate General, Punjab.

Mr. Rishu Mahajan, Advocate
for the complainant.

N.S.Shekhawat J. (Oral)

CRM-28115-2023

Prayer in the application is for placing on record the medical record dated 09.06.2023 of the petitioner as Annexure P-2 and exemption from filing certified copy thereof.

For the reasons mentioned in the application, the same is allowed. The copy of medical record dated 09.06.2023 is taken on record as Annexure P-2 and exemption is granted to the petitioner to file certified copy thereof.

CRM-M-525-2023

The petitioner, who is aged about 72 years, has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant a regular bail in case FIR No.171 dated 13.10.2022 registered under Section 115 of IPC, 1860 at Police Station Kartarpur, District Jalandhar.

As per story of the prosecution, on 13.10.2022, ASI Balvir Singh along with other police officials was present in connection with checking of bad elements and received a secret information that two persons, namely, Gurdish Singh alias Laddi son of Baldev Singh and Surjit Singh alias Seeta son of Bant Singh were sitting in the Swift Dzire car, whose front number plate was covered with mud and the rear number plate has been removed. Further, Baldev Singh and Daljit Kaur alias Chhindo i.e. the petitioner in connivance with Gurdish Singh and his friend Surjit Singh had planned to commit murder of Gurmeet Kaur. Therefore, Baldev Singh and Daljit Kaur alias Chhindo had called Gurdish Singh and his friend Surjit Singh to commit the murder of Gurmeet Kaur. It was further informed that Gurdish Singh and Surjit Singh alias Seeta were having *kirpan* and other deadly weapons in the above mentioned Dzire car and at this moment, they were sitting in the said car near cremation ground. With these broad averments, the FIR in the present case was registered under section 115 of IPC.

Learned counsel for the petitioner contends that the main accused, namely, Gurdish Singh and Surjit Singh alias Seeta have already been arrested in the present case on 13.10.2022. The present petitioner was also arrested in the present case on 13.10.2022 and the investigation in the present case is complete. He further contends that the petitioner is an old lady and no recovery has been effected from her. As per the prosecution, 14 witnesses have been cited in the present case, but on one has been examined and the conclusion of the trial will quite take a long time.

On the other hand, learned State counsel has vehemently opposed the grant of concession of bail to the petitioner on the ground that there are serious allegations against the petitioner and she may influence the witnesses of the present case. He further contends that the FSL report is still awaited.

I have heard the learned counsel for the parties and perused the record.

It is not in dispute that the petitioner is aged about 72 years and is suffering from various old age related diseases, which is apparent from the medical record (Annexure P-2). Further, the investigation is complete and the challan has been presented against the present petitioner. Even no witness has been examined and the trial is yet to formally commence before the trial Court.

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/Duty Magistrate/Chief Judicial Magistrate, concerned.

12.07.2023
hemlata

(N.S.SHEKHAWAT)
JUDGE

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