

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(218)

CRM-M-7027 of 2023
DATE OF DECISION:-15.02.2023

Ranju Devi and another

...Petitioners

vs.

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Man Singh Chauhan, Advocate, with
Mr. Arshit Goel, Advocate, for the petitioners.

Mr. Ravinder Singh, AAG, Punjab.

HARKESH MANUJA, J.

By way of present petition filed under Section 439 of the Code of Criminal Procedure, 1973, petitioner prays for grant of regular bail pending trial in case FIR No.223 dated 12.11.2022 under Sections 307, 323, 353, 186, 506, 148 IPC & Section 4 of Punjab Protection of Medicare Services Persons and Medicare Service Institutions (Prevention of Violence and Damage to Property) Bill, 2008, registered at Police Station City Phagwara, District Kapurthala (Annexure P-1).

Learned counsel for the petitioners submits that petitioner No.2 happens to be the mother of the deceased-Anuj Singh whereas, petitioner No.1 is sister of petitioner No.2 who are in custody for the past more than 3 months now. The investigation already stands concluded with the filing of *challan* on 06.01.2023 and thus, suffered a lot having even lost her younger son by petitioner No.2.

On the other hand, learned State counsel opposes the prayer made herein while submitting that petitioners have given beatings to public

servant i.e. complainant Dr.Ashish Jetli who was on duty at the relevant point in time and thus, the petitioners do not deserve the concession of regular bail.

I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the petitioner.

From a sequence of facts narrated in the FIR, one can find out that the petitioners were suffering immense emotional breakdown at that relevant point in time having lost their younger member in their family i.e. Anuj Singh aged 18 years. More than that, petitioners have already suffered a lot having remained behind the bars for the past more than 3 months now, the investigation already stands concluded with the filing of *challan* and the conclusion of trial likely to take some time, there does not appear to be any justification for extending further incarceration of the petitioners, thus, they deserve the concession of regular bail.

Without commenting anything on the merits, lest it may prejudice the trial, the present petition is allowed and the petitioners are ordered to be released on regular bail on their furnishing bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate.

However, nothing expressed hereinabove shall be construed as an expression on the merits of the case.

15.02.2023
anil

(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No