

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

220

CRM-M-8871-2023

Date of decision: 17.10.2023

Dharam Kaur

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Veneet Sharma, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

Mr. Arshdeep Singh Viridi, Advocate and
Mr. Vipin Mahajan, Advocate
for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.35 dated 05.05.2022 under Sections 302, 326, 325, 324, 323, 201, 148, 149 of the IPC registered at Police Station Qadian, Police District Batala, District Gurdaspur.

2. Learned counsel for the petitioner submits that the falsity of the allegations levelled in the FIR in question which has been annexed as Annexure P-1, is evident from the fact that it had been alleged that the petitioner had inflicted a kirpan blow on the hip joint of deceased Joga Singh, however, a perusal of the Post Mortem Report (Annexure P-7) reveals to the contrary as there was no corroborative evidence to the said effect. It has been further submitted that other than this, the petitioner has been attributed an injury on the palm of injured Charan Singh who has since been examined during trial. Learned

counsel has thus urged that in the facts and circumstances, and the alleged role and injuries attributed to the petitioner, her further incarceration would serve no useful purpose as not only all the material witnesses with respect to her role have been examined but as many as 21 prosecution witnesses out of the 26 cited, still remain to be examined.

3. Per contra, learned State counsel assisted by learned counsel for the complainant, on instructions from ASI Surjeet Singh, has vehemently opposed the prayer and submissions made by counsel opposite. It has been submitted that it was a premediated attack which was launched by the accused party on the complainant side as admittedly there was a history of some animosity between them. It has, however, not been controverted by the learned State counsel that the Post Mortem Report of deceased Joga Singh did not reflect any injury on his hip joint which had allegedly been inflicted by the petitioner. Learned State counsel has, on further instructions, submitted that the next date fixed before the Trial Court is 04.12.2023 when some more prosecution witnesses are likely to be examined.

4. I have heard learned counsel for the parties and perused the material placed on record.

5. The petitioner, who is a lady, aged 54 years, has been in custody since 12.09.2022. The injuries attributed to her on the person of the deceased, as already observed hereinabove, do not find reflected in the Post Mortem Report of the deceased. Other than this, she has been attributed an injury on the person of one of the stamped witness i.e. Charan Singh, who as not disputed by learned State counsel, already

stands examined. The trial is unlikely to conclude in the near future. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

6. Accordingly, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

17.10.2023

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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