

CRM-M-12722-2023

-1-

(221) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-12722-2023

Date of Decision: 20.03.2023

ANU BHARTI & OTHERS

... Petitioners

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Prashant Vashishth, Advocate
for the petitioner.

Ms. Ramta Chaudhary, DAG, Punjab.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 Cr.P.C is for the grant of regular bail in case bearing FIR No.08 dated 14.01.2023 (Annexure P-1) registered under Sections 304/448/120-B of IPC at Police Station Bhargo Camp, Jalandhar-City.

2. The brief facts of the case are that the statement of one Ritu wife of Vicky was recorded to the effect that she worked as a Sweeper. After celebrating Lohri while her entire family was resting at home, in their neighbourhood, Vikas and his family were also celebrating Lohri by doing Bhangra. Her husband Vicky was watching Vikas's dance in the street. Her (complainant's) elder daughter Preeti was also standing with her husband. Then, Sonia (petitioner No.2) wife of Rakesh Kumar told her (complainant's) husband Vicky that he was keeping a bad eye on her (Sonia's) daughter-in-law Anu Bharti (petitioner No.1). Thereafter, Anu Bharti started using

CRM-M-12722-2023

-2-

abusive language with Vicky. Vicky thereafter came into the house. Following him, Sonia and Kajal (petitioner Nos.2 and 3) also entered the house and started scuffling with her (complainant's) husband. They picked up a burning stick and gave a hit on his (Vicky's) face. In the meantime, Sonia's son Vishal and son-in-law Raman Kumar also came to the spot. Raman Kumar raised a *Lalkara* that her (complainant's) husband Vicky kept a bad eye on their (accused party) women. On this, Sonia's son (Vishal) gave a blow on the jaw of Vicky who fell down and the backside of his head struck the edge of the stairs and he became unconscious. He was taken to the hospital, where he was declared dead.

3. The learned counsel for the petitioner contends that the only allegations against the petitioners are that they had an altercation with the deceased. Taking the allegations to be true, it is one Vishal who is stated to have given a blow with his hand on the person of Vicky (deceased). At best, it would be an injury attracting Section 323 IPC. Since the petitioners were in custody since 14.01.2023 and none of the 21 prosecution witnesses had been examined, they were entitled to the grant of bail as they were first time offenders and one co-accused Raman Kumar had been granted the concession of anticipatory bail by this Court vide order dated 07.02.2023 passed in CRM-M-4949-2023 (Annexure P-2).

4. On the other hand, the learned State counsel contends that serious allegations have been levelled against the petitioners and therefore, they were not entitled to the grant of bail. He however, admits the period of custody undergone by the petitioners, the stage of Trial as also the fact that

CRM-M-12722-2023

-3-

there is one injury on the head of the person of the deceased which has been suffered on account of falling on the stairs.

5. I have heard the learned counsel for the parties.

6. Admittedly, the petitioners are in custody since 14.01.2023. None of the 21 prosecution witnesses have been examined. No specific injury has been attributed to them. Therefore, it would be a matter of adjudication during Trial as to whether the petitioners could be convicted for the offences in question. At this stage, their further incarceration is not required as they are first-time offenders and one co-accused Raman Kumar has been granted the concession of anticipatory bail by this Court vide order dated 07.02.2023 passed in CRM-M-4949-2023 (Annexure P-2).

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioners are ordered to be released on bail subject to their furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

20.03.2023

JITESH

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