

214 **IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-13194-2023

Date of decision: 04.05.2023

Rajni Rani

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Jaspreet Singh Brar, Advocate for the petitioner.

Mr. Jashanpreet Singh, DAG, Punjab.

NAMIT KUMAR, J. (ORAL)

1. Petitioner has filed the instant petition under Section 439 Cr.PC seeking regular bail in case FIR No.17 dated 14.01.2023 under Sections 307/331/353/186/149 of IPC, 1860 registered at Police Station City Faridkot, District Faridkot (Annexure P-1).

2. The brief facts of the prosecution case are that the complainant, a police official, visited the spot after getting a complaint from one Shanti Devi regarding indulgence of certain children in a fighting incident. The complainant ASI Iqbal Chand reached at the spot, where the accused namely Karan, Kaku, Bobby, Gurpreet Singh @ Dhudi, Rohit Chacha along with 5-6 unidentified persons were already present there and on seeing the police, the group of accused raised exhortations to teach a lesson to them. The accused Karan was holding an interlock tile and he gave blow of the tile in the head of the complainant-police official with intention to kill him. The accused Gurpreet Singh @ Dhudi pushed the complainant-police official to ground and he was assaulted by other accused and his uniform was torn. After a companion of complainant-police official namely PHG Surjan Singh raised alarm for help, he was also assaulted by the accused. Thereafter, the complainant-police official

was brought to the hospital for treatment.

Based upon such allegations, the police registered a formal FIR under Sections 307, 331, 353, 186, 149 IPC. During investigation, one ASI Thana Singh made statement that he was also accompanying the complainant ASI Iqbal Chand to the place of occurrence and he revealed that certain ladies were also accompanying the group of the accused. He further disclosed that three ladies including Rajni Rani (petitioner), Kiran and Krishna blocked the police vehicle at the time of incident. Based on such revolution, the petitioner and her companions were nominated vide DDR entry no.66 of 14.01.2023 and she was formally arrested on 23.01.2023.

3. Learned counsel for the petitioner *inter alia* contends that the petitioner is a lady and has been falsely implicated in the present case. He further submits that petitioner was not named in the FIR but was nominated as an accused on the statement of ASI Thana Singh, which was recorded vide DDR No.66 dated 14.01.2023. He further submits that the petitioner is having 3 minor children of the age of 2, 7 and 8 years and her husband Karan Kumar is also in custody in the present case. He further submits that the only allegations against the petitioner is that the petitioner along with other women tried to block the way of the police by standing in front of the vehicle of the police and interfered in the working of the police. He further submits that investigation in the present case is complete; challan has been presented; charges are yet to be framed. He submits that petitioner is in custody since 24.01.2023. She is not involved in any other case. Trial may take a considerable time to conclude. Therefore, no fruitful purpose would be served by detaining the petitioner behind bars.

4. Per contra, learned State counsel, while placing on record, status report dated 27.04.2023 along with custody certificate, opposes the prayer for

grant of regular bail to the petitioner by stating that since the petitioner along with other women tried to block the passage and interfered in the working of the police, therefore, she is not entitled for the grant of concession of regular bail. However, he could not dispute that the petitioner is having 3 minor children and husband of the petitioner is already in custody: investigation in the present case is complete; challan has been presented; charges are yet to be framed. She is not involved in any other case and is in custody for 3 months and 9 days.

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

6. Keeping in view the peculiar facts and circumstances of the present case and custody of the petitioner, which is 03 months 09 days and the limited role of the petitioner; investigation is complete; challan has been presented; charges are yet to be framed; no recovery has been effected from the petitioner; petitioner is not involved in any other case and trial is likely to take a considerable time.

7. Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

8. Accordingly, the present petition stands disposed of.

9. Nothing observed herein shall be construed as an expression of opinion on the merits of the case of either parties.

04.05.2023
Parveen kumar

(NAMIT KUMAR)
JUDGE

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