

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

CRM-M-17813-2022

Date of decision : 28.03.2023

Sonia

.....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. R.S. Bajaj, Advocate with
Mr. Sidakjit Singh Bajaj, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab assisted by
ASI Major Singh.

Mr. Anil Kumar Sharma, Advocate
for the complainant.

RAJESH BHARDWAJ, J. (Oral)

Petitioner has approached this Court praying for grant of regular bail in case FIR No.98 dated 24.09.2021, under Sections 302, 307, 323, 324, 341, 506, 148, 149, 120-B of Indian Penal Code, registered at Police Station Satnampura, District Kapurthala.

As per the facts of the case, statement of one Avtar Singh son of Gurdev Singh was registered. It was alleged that on 23.09.2021 in the evening, he and Bishamber were coming from village Gandhwan to their village on motorcycle. While they were coming, they were waylaid by the accused namely, Ravi, Lakhvir, Veeru, Dilbag, Navjot, Sonia, Komal and others. Their motorcycle was stopped and they opened attack on them. It was alleged that the accused opened attack with their respective weapons, out of which Sonia was armed with a kirch and she gave a blow of the same

on the right hand of Bishambar. In this attack, Bishamber and the complainant suffered serious injuries. On their raising alarm, the villagers came there and on seeing them, all the accused escaped. They were shifted to the hospital where Bishamber succumbed to the injuries. Request was made to take legal action against the accused. On the basis of the complaint, formal FIR was registered and investigation commenced. The deceased and the injured were medically examined. The statement of the relevant witnesses were recorded and the accused were arrested. The petitioner was arrested on 24.09.2021. She approached the Court of learned Additional Sessions Judge, Kapurthala praying for grant of regular bail. However, after hearing counsel for both the sides, learned Additional Sessions Judge declined the same vide order dated 17.03.2022. Aggrieved by the same, petitioner is before this Court praying for grant of regular bail.

Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in this case. He has submitted that the petitioner and the deceased side were already in litigation. He submits that at the instance of the deceased, the petitioner had been falsely implicated in other cases. He has contended that the deceased and others also raped the petitioner. However, no action was taken by the police on same. He submits that the petitioner had to approach this Court and after direction of this Court, DDR No.16 dated 12.06.2021 was registered against the deceased and others. He has submitted that perusing the allegations against the petitioner, she has alleged to have been armed with kirch and has given blow on the right hand of the deceased. He submits that the injury is also simple in nature

and thus, the complicity of the petitioner for alleged murder of the deceased is also debatable. He submits that the petitioner is behind bars with her child from the last more than 1½ years. He submits that the investigation is complete, charges are framed and learned trial Court has also commenced with examination of prosecution witnesses and thus, the petitioner deserves to be granted bail.

Learned State counsel, on instructions from ASI Major Singh, has opposed the submissions made by learned counsel for the petitioner. He has submitted that petitioner is specifically named in the FIR. He submits that the petitioner was duly armed and she was given kirch blow to the deceased and thus, she has actively participated in the alleged murder of Bishamber. He submits that petitioner is involved in two other FIRs i.e. FIR No.6 dated 05.02.2021, under Sections 380, 506, 342, 120-B of IPC, registered at Police Station Satnampura, Kapurthala and FIR No.58 dated 04.06.2021, under Sections 323, 324, 452, 506, 148, 149 of IPC, registered at Police Station Satnampura, Kapurthala. However, she is on bail in those FIRs. He submits that in all there are 32 prosecution witnesses, out of which, complainant already stands examined. He has also submitted that in all there are 13 accused and the main accused are behind bars.

Learned counsel for the complainant has also opposed the submissions made by learned counsel for the petitioner. He submits that the petitioner is a habitual offender and she does not deserve the concession of regular bail.

Heard. After hearing counsel for the parties and perusing the record, it is apparent that the petitioner is behind bars since 24.09.2021.

As per the submissions made before this Court and the documents produced, litigation is pending between both the parties prior to the present occurrence. As submitted before this Court, petitioner is mother of young child who is with her in the jail also. As submitted by learned State counsel, investigation is complete, challan is presented and after framing of the charge, learned trial Court has already commenced with the examination of the prosecution witnesses and complainant also stands examined. Petitioner has been alleged to have given a kirch blow on the right hand of the deceased which as per the medical is said to be simple injury.

The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficiently long time. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

28.03.2023
m. sharma

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