

101 (1st case)

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

CRM-M-21342-2022 (O&M)

Date of decision : 01.05.2023

Karamjit Kaur

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Ms. Anmol, Advocate,
for Mr. Zubin Chhura, Advocate,
for the petitioner.

Ms. Lavanya Paul, DAG, Punjab.

None for the complainant.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of bail pending trial to the petitioner in FIR No.33 dated 14.03.2020, under Sections 302, 323, 34 of the Indian Penal Code, 1860 (*for short 'the IPC'*), registered at Police Station Phul, District Bathinda.

2. Allegations are that the petitioner along with other co-accused, committed murder of one-Lachhman Singh and brief narration would be as under:-

On 14.03.2020, complainant Chamkaur Singh received a phone call from his sister, Kuldeep Kaur, that her husband Kinder Singh and other family members were beating her up, mercilessly, whereupon, he along with his brother, Ashoki Singh, Ravi Singh, Mander Singh, Lachhman Singh, Jaspal Singh, went to the matrimonial home of Kuldeep Kaur. At around 8.00 a.m., when

complainant-Chamkaur Singh and his companions reached near the house of accused, Kinder Singh armed with wooden ruler, Nek Singh armed with wooden log, Harjinder Singh armed with Tamba made of wood and Karamjit Kaur armed with a wooden article meant for sitting, attacked the complainant party. Kinder Singh gave a blow with wooden ruler on the left leg of the complainant. Nek Singh gave a blow on the back of complainant. Karamjit Kaur gave a blow on the left hand and in the meantime, Harjinder Singh @ Soni gave a blow with wooden Tamba on the person of Lachhman Singh, who fell on the ground. The accused also gave beatings to Ravi Singh, Kuldeep Kaur and Mander Singh. On raising hue and cry, people gathered at the spot and accused fled away with their respective weapons. Lachhman Singh was taken to the hospital, where the doctor declared him dead.

3. This Court granted interim bail to the petitioner on 05.07.2022, in the following manner:-

“This Court on May 23rd, 2022 passed the following order:-

“Contends that charges were framed on 25.02.2021 and co-accused with similar allegations i.e. son of the petitioner, namely, Kinder Singh @ Baljinder Singh has been granted bail by learned trial Court, vide order dated 03.09.2021 (P-2). Also contends that allegation against the petitioner is that she gave a Fatti (wooden article) blow to the complainant-Chamkaur Singh and not to the deceased.

Learned State Counsel seeks time to verify the above factual position.

Posted on 27.05.2022.”

In pursuance of the above order, affidavit of Sh. Satnam Singh, PPS, Deputy Superintendent of Police, Sub-Division, Phul, District Bathinda has been filed and the same is taken on record. Copy has been supplied to the counsel opposite.

Perusal of affidavit reveals that co-accused who is son of the petitioner, namely, Kinder Singh @ Baljinder Singh, has already been released on bail by learned trial Court vide order dated 03.09.2021.

Learned counsel for the complainant seeks time to place on record some documents.

Posted on 13.09.2022.

In the meantime, let petitioner be released on interim bail in this case subject to her furnishing bail-bonds and surety bonds to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.”

4. Learned counsel contends that petitioner was granted interim bail by this Court on 05.07.2022 and she is regularly appearing before learned trial Court. Further submits that out of 17 prosecution witnesses, only 03 have been examined so far and there is no allegation that petitioner is likely to misuse the concession of bail.

5. Learned State Counsel, on instructions, has fairly acknowledged the above factual position.

6. Heard learned counsel for both the sides and perused the paper book.

7. Petitioner was granted interim bail by this Court and she is regularly appearing before the Court below; and there is no allegation that she is likely to misuse the concession of bail or hamper the

proceedings in any manner, in case her interim bail is made absolute; thus, sending her in custody at this stage would not serve any purpose.

8. Consequently, present petition is allowed. Interim bail granted to the petitioner, vide order dated 05.07.2022, is made absolute. She shall be admitted to bail on her furnishing bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

9. Petitioner shall appear on each & every date and fully co-operate with the learned trial Court without seeking any unnecessary adjournment(s).

10. The above observations may not be construed as an expression of opinion on the merits of the case.

11. It is clarified that in case there is any misuse of concession of bail on the part of the petitioner, State of Punjab would be at liberty to move an appropriate application for recalling of this order.

01.05.2023

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(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No