

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

CRM-M-25104-2023 (O & M)

Date of decision: 06.12.2023

Surjit Kaur

.... Petitioner

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Vikas Cuccria, Advocate,
for the petitioner(s).

Mr. Kirat Singh Sidhu, DAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petitions under Section 439 Cr.P.C. is for the grant of regular bail to the petitioner Singh in case FIR No.12 dated 24.02.2023 under Sections 302, 34 IPC registered at Police Station Mehtiana, Hoshiarpur.

2. The present FIR came to be registered at the instance of Palwinder Kaur, who stated that Baljit Singh alias Balli @ Bakki had stabbed Harjinder Singh in his chest and his mother-Surjit Kaur (petitioner) had raised a *lalkara* at that time.

3. The learned counsel for the petitioner contends that the petitioner had been falsely implicated in the present case. In fact, she was a senior citizen of the age of 76 years and had been implicated being the mother of the main accused. As she was in custody since 24.02.2023, only 03 of the 20 prosecution witnesses had been examined so far and she was a first-time offender, she was entitled to the concession of bail.

4. The learned counsel for the State, on the other hand, contends

that the petitioner and her son committed the offence in question, and

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therefore, was not entitled to the concession of bail. He, however, concedes that only a *lalkara* had been attributed to the petitioner as also the fact that the petitioner was a first-time offender, in custody since 24.02.2023 and that only 03 of the 20 prosecution witnesses had been examined so far.

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

6. Admittedly, the fatal injury has been attributed to the son of the petitioner. The culpability of the petitioner with the aid of Section 34 IPC shall be adjudicated upon during the course of the Trial. The petitioner is in custody since 24.02.2023 and only 03 of the 20 prosecution witnesses have been examined so far. Therefore, the trial in the present case is not likely to be concluded anytime soon. She is also stated to be a first-time offender. Therefore, her further incarceration is not required.

7. Thus, without commenting upon the merits of the case, the present petition is allowed and the petitioner, namely, Surjit Kaur is ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

(JASJIT SINGH BEDI)

JUDGE

December 06, 2023

sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No