

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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CRM-M-25607-2023 (O&M)

Date of order: 28.08.2023

Sukhjinder Kaur

.....Petitioner(s)

Vs.

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTAPresent:- Mr.P.S. Guliani, Advocate
for the petitioner.

Mr.Kunwarbir Singh, AAG Haryana.

Mr. Dinesh Kumar, Advocate
for the complainant.

Nidhi Gupta, J.

Prayer in this first petition filed under Section 439 of Code of Criminal Procedure (hereinafter referred to as "Cr.P.C.") is for grant of regular bail in case FIR No.5 dated 04.01.2022 registered under Sections 342, 323, 148 and 149 of Indian Penal Code, 1860 (hereinafter referred to as "IPC") (Sections 365, 379-B, 34 and 201 IPC added later on) (Sections 342, 379, 148 and 149 IPC deleted) at Police Station Lambi, District Sri Muktsar Sahib, Punjab.

2. Brief facts of the case are that FIR was registered on the statement of complainant Surinder Kaur, mother of three sons, who alleged that on 03.01.2022 at 02.30/03.00 p.m. she alone was present in the house when she received a message from Jagmeet Singh, who asked her to come and collect Rs.2 lacs. Complainant went to the house of Jagmeet Singh and

after collecting the amount, kept the same in bag and was returning to her house. When she reached near Gurmeet Singh, then all of sudden, Sukhjinder Kaur, Himmatpal Singh, Karna Singh, Shivraj Singh, Sukhraj Singh stopped her in street and caught hold of her. Complainant raised an alarm, then Sukhjinder Kaur put her hand on her mouth and while giving abuses to her, they forcibly took her to the house of Sukhjinder Kaur. Then Karna Singh, Shivraj Singh and Sukhraj Singh left from there. In the house, Sukhjinder Kaur and her son Himmatpal Singh held the complainant from her arms and took her inside and snatched the bag of Rs.2 lacs from her and Himmatpal Singh also snatched gold nose pin and gold chain from her. Sukhjinder Kaur gave beatings to her with Danda, due to which she received injuries on her abdomen, legs, arms. In the meantime, people started gathering there including Jagmeet Singh and Gurjit Singh and they also prepared video of the incident. Then one of the son of the complainant who was away to Sri Muktsar Sahib came to know about the incident and he informed the police and after about one hour, police of PP Killianwali reached the spot and got the complainant rescued from the accused persons. The motive behind the occurrence is that earlier Sukhjinder Kaur and others closed the access to their fields regarding which sons of complainant had filed applications against Sukhjinder Kaur and Karna Singh, due to which they were nursing grudge against her.

3. It is inter alia submitted by learned counsel for the petitioner that the petitioner has been totally falsely implicated in the present case. It is stated that the present dispute is with regard to supply of water to the fields of the petitioner which has been given a criminal colour

by the complainant and false FIR has been foisted upon the petitioner. Learned counsel further submits that falsity of the case set up by the complainant is made out from the fact that admittedly upon investigation accused No.4, 5 and 6 were declared innocent, as per report dated 08.04.2022 of Deputy Superintendent of Police, Malout. Furthermore, even minor sons of the petitioner aged 13 and 14 years, who were falsely implicated in the matter on the statement of the complainant have been acquitted after trial by the learned Juvenile Justice Board-Chief Judicial Magistrate, Sri Muktsar Sahib on 22.08.2023.

4. Learned counsel further submits that it is notable that date of alleged incident is 03.01.2022, FIR is registered after delay of one day on 4.01.2022, and offence under Sections 365 and 379-B was added only on 18.01.2022. It is further submitted that the petitioner is a widow lady and there is no one to look after her minor children aged 13 and 14 years old and she has been in custody since 03.03.2023 for almost six months.

5. Learned State Counsel files custody certificate dated 26.08.2023 which is taken on record. As per the custody certificate, the petitioner has been in custody for 5 months and 26 days. Learned State Counsel also files status report by way of affidavit of Fateh Singh Brar, PPS, Deputy Superintendent of Police, Sub-Division Malout, District Sri Muktsar Sahib dated 28.08.2023 which is taken on record. Learned State Counsel further submits that challan in the matter was filed on 24.03.2023 and charges have been framed on 28.08.2023.

6. I have heard learned counsel for the parties.

7. Without commenting on the merits of the matter, however, keeping in view the totality of the facts and circumstances of the case including the fact that the trial will take some time to conclude, and the fact that there are no other cases against the petitioner, present petition is **allowed**. The petitioner namely Sukhjinder Kaur widow of Hardeep Singh is ordered to be released on regular bail on her furnishing bail and surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

8. However, it is made clear that nothing stated above shall be construed as an expression of opinion on the merits of the case.

9. Pending application(s) if any also stand(s) disposed of.

28.08.2023
Sunena

(Nidhi Gupta)
Judge

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