

CRM-M-25486-2023

IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH

211

CRM-M-25486-2023

Date of Decision: 03.11.2023

GAGANDEEP KAUR ALIAS GAGGU

.... Petitioner

Versus

STATE OF PUNJAB

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Anil Kumar Saini, Advocate,
for the petitioner.

RAJBIR SEHRAWAT, J. (Oral)

1. The present petition has been filed by the petitioner under Section 439 Cr.P.C for grant of bail pending trial in case FIR No.92 dated 04.05.2022, under Sections 302, 323, 506 and 34 IPC (Section 307 IPC has been replaced with Section 302 IPC), registered at Police Station Chheharta, Amritsar City.

2. It is submitted by learned counsel for the petitioner that the case against the petitioner is totally concocted, false and frivolous. Even as per the story of the prosecution, the alleged occurrence between the parties has happened in two different incidents. In the first incident, the injury is alleged to have been caused by the husband of the petitioner with a cycle chain, to which a *garari* was already welded, on the hand of Jitender, who happens to be *Devar* of the complainant. In this incident, the petitioner is alleged to have supplied the said chain to her husband. Thereafter, the second incident happened in which the injuries were caused to the deceased. However, at the time of the second alleged incident, the

petitioner is not even alleged to be present at the scene of occurrence.

CRM-M-25486-2023

Therefore, the petitioner is not connected with the incident of alleged murder of the deceased. The petitioner has been in custody since 05.05.2022; the investigation of the case is complete and the petitioner is not required for any further investigation purposes. Therefore, the petitioner deserves to be released on bail pending trial.

3. Notice of motion.

4. Mr. G.S.Sandhu, DAG, Punjab, accepts notice on behalf of the respondent-State. Custody certificate of the petitioner has been filed by learned State counsel in the Court today. The same is taken on record. Learned State Counsel, on instructions from ASI Satnam Singh, submits that the petitioner has participated in the incident in which one person has lost his life. The petitioner had provided the cycle chain to her husband, which was used in the crime. Therefore, the petitioner cannot assert that she is not involved in the crime, as such. However, it is not disputed by counsel for the State that the deceased had suffered injuries in the subsequent incident, in which the petitioner was not a participant. It is also not disputed that the petitioner has been in custody since 05.05.2022.

5. In view of the above, but without expressing any further opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to her furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

03.11.2023

parveen kumar

(RAJBIR SEHRAWAT)**JUDGE**

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No