

CRA-S-1505-2023

2023:PHHC:080442

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

CRA-S-1505-2023
DATE OF DECISION:-01.06.2023

Balvir Kaur

...Appellant.

Vs.

State of Punjab

...Respondent..

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Aminder Singh, Advocate,
for the appellant.

Mr. Kunal Vinayak, AAG, Punjab.

HARKESH MANUJA, J. (ORAL)

1. Present appeal has been filed against the order dated 02.05.2023, passed by the court of learned Additional Sessions Judge, Sangrur, vide which, application filed under Section 439 Cr.P.C. on behalf of the appellant seeking regular bail in case FIR No.29, dated 15.03.2023, under Section 379-B, 341, 323, 506, 34 IPC and Section 3(1)(s) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, "1989 Act") registered at Police Station Sadar Sangrur, was dismissed.

2. As per the allegations levelled in the FIR, appellant along with his son and husband gave beatings to the complainant and the entire episode was even captured in video, which has been handed over to the Investigating Agency.

3. Learned counsel for the appellant submits that the investigation in the present case already stands concluded with the filing of challan and the

appellant, who is an old lady of 53 years of age, has already suffered incarceration for the last 2½ months.

4. On the other hand, learned State counsel opposes the prayer made on behalf of the appellant while referring to the allegations that she actively participated in the entire incident while giving beatings to the complainant.

5. I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the appellant.

6. Perusal of FIR itself shows that the incident was captured in the video, which has been handed over to the investigating agency and till date report from FSL is awaited, thus, it would be premature to assess the involvement of appellant in the present case.

7. Considering the fact that the appellant has already suffered incarceration for almost 2½ months and the investigation in the present case already stands concluded and she being 53 years of age not involved in other case, I do not deem it appropriate to extend her incarceration any further.

8. In view of the above, appeal is allowed. Order dated 02.05.2023 passed by learned Additional Sessions Judge, Sangrur is hereby set aside. Appellant is ordered to be released on bail, subject to her furnishing bail bonds and surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

01.06.2023
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(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No