

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

CRM-M-30873-2023 (O&M)

Date of decision: 28.06.2023

Gurjit Kaur

....Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Pankaj Kalia, Advocate for the petitioner
Mr. C.L.Pawar, Addl. AG, Punjab
Mr. Rajinder Singla, Advocate for the complainant

ANIL KSHETARPAL, J (Oral)

1. The petitioner prays for grant of pre-arrest bail in FIR No. 249 dated 02.06.2020 registered under Sections 302, 506, 34 IPC and Sections 25, 27 of the Arms Act, 1959 at Police Station Jhabal, District Tarn Taran.

2. The prosecuting agency after completing the investigation did not find sufficient material to put the petitioner on trial. Hence, she was placed in column no.2 with other two accused. After the final report was submitted, the court has summoned the petitioner and other co-accused. The prayer for grant of pre-arrest bail to the petitioner has been dismissed by the learned Additional Sessions Judge.

3. Learned counsel representing the State of Punjab has failed to justify as to how the petitioner's custodial interrogation is required, particularly, when the police, after completing the investigation, has not been able to find sufficient material against the petitioner to put her on trial.

4. Sh.Rajinder Singla, Advocate, enters appearance on behalf of the first informant and made the following submissions:-

i) The correctness of the summoning order has not been assailed by the petitioner.

ii) The entire investigation by the police is tainted and not transparent.

iii) In this case, two human lives were lost.

iv) Prayer for grant of pre-arrest bail to co-accused Gurdial Singh, has been dismissed by a Co-ordinate Bench of this Court by a detailed order passed on 17.05.2023.

5. This Court has considered the submissions of the learned counsel representing the parties. As far as the first submission is concerned, this Court is not required to make observations as the prayer is only with regard to the grant of pre-arrest bail. As regards the second submission, it may be noted that the matter is sub judiced before the trial court. Hence, it would not be appropriate to make any observations. Ultimately, it is for the trial court to appreciate the evidence which will be led by the prosecution, the first informant and the accused and the court will appreciate the same in accordance with law. With regard to the next argument, it may be noted that as per the FIR, the petitioner was armed with a wooden batten and she, apart from instigation, has not been attributed any other role. This fact is required to be examined in the context of the final report submitted by the police.

6. As regards the last submission, it may be noted that co-accused Gurdial Singh is attributed a positive role in firing a gunshot whereas there is no such allegation against the petitioner. As per the order passed by the trial court, the petitioner has been summoned. The petitioner would appear on 05.07.2023, the next date before the trial court and furnish bail bonds to the satisfaction of the trial court.

7. With the aforesaid observations, the present petition is allowed.

8. Needless to observe that the observations made by this Court are only for the purpose of decision of the bail petition and they shall not be construed to an expression of opinion on the merits of the case.

9. All the pending miscellaneous applications, if any, are also disposed of.

28.06.2023

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE