

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

102 CRM-M-31436-2023
Date of decision: 03.07.2023

Dhakho Kaur @ Harjinder KaurPetitioner

V/s

State of PunjabRespondent

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. Prateek Pandit, Advocate, for the petitioner.
Mr. Digvijay Nagpal, AAG, Punjab.

VIKAS SURI, J. (Oral)

FIR No.	Dated	Police Station	Sections
146	25.09.2022	Subhanpur, District Kapurthala	323, 307, 353, 186, 506 and 34 IPC

1. The petitioner has approached this Court by way of present petition under Section 438 Cr.P.C for grant of bail apprehending arrest.
2. It is averred that a similar prayer made before the Court below was declined vide order dated 26.04.2023 (Annexure P-3). Thereafter, the main accused namely Jasbir Singh @ Jasvir Singh @ Sheer has been granted the concession of bail by the trial Court vide order dated 14.06.2023 (Annexure P-2).
3. Notice of motion.
4. Mr. Digvijay Nagpal, AAG, Punjab, accepts notice on behalf of the respondent-State.
5. Learned State counsel on instructions from ASI Balwinder Singh, Police Station Subhanpur submits that it is a matter of fact that the main accused who has been alleged to have given injuries to the complainant has been granted the concession of bail by the trial Court. The present petitioner is wife of the main accused who is attributed the role of having brought the *datar* on the asking

of her husband, i.e. the weapon with which the main accused is alleged to have given blows to the complainant.

6. On instructions, learned State counsel further submits that there is no other case pending against the petitioner and as per the available police record, she has no previous criminal record.

7. Heard learned counsel for the parties.

8. The only allegation against the petitioner is that the main accused had called out to her to bring *datar* from inside and thereupon the same was brought by her. The said *datar* was then taken by the main accused, Jasvir Singh @ Sheer and was used to inflict injuries upon the complainant with it.

9. The petitioner is a young lady of 23 years of age.

10. Learned counsel for the petitioner submits that the petitioner undertakes to join investigation and cooperate in the investigation.

11. In view of the peculiar facts and circumstances of the case and the order dated 14.06.2023 passed by the trial Court, whereby the main accused has been granted the concession of bail on an application preferred under Section 438 Cr.P.C, the present petition is allowed. The petitioner is granted concession of pre-arrest bail. It is directed that in case of her arrest, she shall be released on bail on her furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/investigating officer. It is further directed that the petitioner shall join investigation as and when called upon to do so and shall abide by the conditions stipulated in Section 438(2) Cr.P.C. In case the petitioner does not join investigation, the State would be at liberty to seek recall of this order.

(VIKAS SURI)
JUDGE

July 03, 2023
vcgarg

Whether speaking/reasoned:

Yes

Whether reportable:

No