

IN THE HIGH COURT OF PUNJAB & HARYANA

AT CHANDIGARH

201(2 Cases)

CRM-M-40561 of 2021

Date of decision:19.04.2023

Daljit Kaur @ Vicky

... Petitioner

Vs.

State of Punjab

... Respondent

CRM-M-2876 of 2023

Davinder Kaur

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. B.D.Sharma, Advocate

for the petitioner in CRM-M-40561 of 2021.

Mr. Shiv Charan Bhola, Advocate

for the petitioner in CRM-M-2876 of 2023.

Mr. Rohit Bansal, Sr. DAG, Punjab.

SUVIR SEHGAL, J. (Oral)

1. This order shall dispose of two petitions, i.e. CRM-M-40561 of 2021 and CRM-M-2876 of 2023 as both the petitioners are approaching this Court for the second time after the first petition for regular bail filed by them was withdrawn after arguments on 01.07.2021. Both of them are accused in:-

FIR No.	Dated	Police Station	Sections
09	07.01.2021	Civil Lines, District Police Commissionerate Amritsar	395, 411, 412, 201, 120-B IPC and Sections 25, 27 of Arms Act, 1959, however, Sections 411, 412, 201, 120-B IPC were added later on.

2. Case of the prosecution is that FIR (Annexure P-1) has been registered on the complaint of Dr. Shivangi Arora, a practicing Dentist, alleging that four unidentified persons, who were armed, entered her clinic. They threatened her with their weapons, gagged and tied her as well as her helper, Priyanka. They detained her mother-in-law and children in a separate room. They broke open the almirah and stole the cash, jewellery, other important documents and ran away from the spot. Later, the complainant came to know that another accused was on guard outside.

3. Counsel representing the petitioners contend that both the petitioners, who were ladies, are not named in the FIR. By referring to the allegations levelled in the FIR, it has been submitted that there is no allegation that ladies were accompanying the accused. It has been urged that petitioners have been named in the supplementary statement recorded by the complainant three days after lodging of the FIR. Still further, it is their submission that after the first petition was withdrawn, material witnesses, i.e. complainant and her helper, have been examined. Counsel submit that trial is at an initial stage, therefore, the petitioners, who are in custody since 15.01.2021, deserve to be enlarged on bail.

4. Opposing the petition, State counsel, upon instructions from ASI Kulwant Raj, submits that Davinder Kaur, petitioner in CRM-M-2876 of 2023 is the mother-in-law of Daljit Kaur @ Vicky, petitioner in CRM-M-40561 of 2021 and there are specific allegations against them, which have been supported by both the crucial witnesses in their deposition. On a specific query, State counsel, upon instructions, submits that some cash and

gold ornaments have been recovered from the accused-petitioners. He submits that accused-Davinder Kaur, is involved in a number of criminal cases.

5. I have considered the submissions made by counsel for the parties.
6. The involvement of the petitioners in the offence would remain subject matter of debate before the Trial Court. Petitioners, who are ladies and are in custody for the last more than 27 months, would be entitled to be released on bail as the trial is at a nascent stage and thirty seven prosecution witnesses are yet to be examined.
7. Without adverting to the merits or demerits of the arguments addressed, petitions are allowed and the petitioners are ordered to be released on bail on furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.
8. While releasing them, Trial Court shall impose stringent conditions insofar as petitioner, Davinder Kaur, is concerned as she has a criminal past.
9. It is clarified that any observation made hereinabove shall not be construed to be an expression of opinion on the merits of the case.

April 19, 2023

savita

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No