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

CRM-M-37380-2023
Date of decision : 20.11.2023

SUKHPAL KAUR

....Petitioner

Versus

STATE OF PUNJAB

....Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Kuldeep S. Saini, Advocate for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

PANKAJ JAIN, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.138 dated 30.06.2022 registered for the offences punishable under Sections 302/34 of the IPC, at Police Station Baghapurana, District Moga.

2. Custody Certificate of the petitioner has been produced. The same is taken on record.

3. FIR was registered on the statement made by Tej Singh son of Bahadur Singh alleging as under :

“xxx that I am a resident of the above mentioned address and doing labor work, I have four daughters and one boy, My four daughters are married and the boy is unmarried, My elder daughter Virpal Kaur solomonized marriage 11 year ago with Baljit Singh, son of Kaka Singh, resident of Gajjanwala, after which a boy was born, with my daughter Virpal Kaur, her father-

in-law, Kaka Singh son of Mangha Singh and his mother-in-law, Sukhpal Kaur, wife Kaka Singh used to fight often. On 22-06-22, it will be the time about 9.00 o'clock in the night, that my(Father in law) Kaka Singh and (Mother in Law) Sukhpal Kaur started fighting with my daughter Virpal. During the fight, father-in-law Kaka Singh hit my daughter Virpal Kaur with a brick, which hit her on the head. He died last night. Today I along with my nephew Gurpanth Singh son of Balser Singh resident of Mahla Khurd were coming to the police station to give a report. You met us at Chowk Baghapurana. Statement recorded and heard which is correct, action may kindly be taken.xxx”

4. Petitioner is behind bar for last more than 1 year, 4 months and 21 days. Counsel for the petitioner submits that even if the FIR is taken on its face value there is no allegation against the petitioner to constitute offence punishable under Section 302 IPC as no overt act has been attributed to the present petitioner. The allegation, if any, is against Kaka Singh.

5. State counsel does not dispute the aforesaid factual assertions made by counsel for the petitioner which are based on record.

6. I have heard counsel for the parties and have gone through records of the case.

7. Without commenting on the merits of the case, keeping in view the incarceration already suffered by the petitioner, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

8. Needless to say that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

November 20, 2023		(Pankaj Jain)
Dpr		Judge
Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No