

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-51022-2023

Date of Decision:-31.10.2023

Surinder Kaur @ Shindo @ Sinder Kaur.

.....Petitioner.

Vs.

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Amit Arora, Advocate for the Petitioner.

Ms. Ramta K Chaudhary, Deputy Advocate General, Punjab.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.172 dated 09.11.2018 under Sections 302, 34 IPC and Sections 25, 27 of Arms Act, 1959 (Offence under Section 201 IPC and Section 30 under Arms Act, 1959 stands added later on) registered at Police Station Goindwal Sahib, District Tarn Taran.

2. The present FIR came to be registered at the instance of Gursewak Singh son of Hari Singh who stated that they were three brothers namely Manjinder Singh @ Laadi, Baljinder Singh and himself. They were residing jointly with the family of their paternal uncle Palwinder Singh. Behind their house, Amrik Singh son of Pritam Singh was residing and they were sharing a common wall. On the day of occurrence Amrik Singh was about to plaster the 04 inch common wall of their (complainant party's)

house and Palwinder Singh and Harjinder Singh (complainant party) stopped him (Amrik Singh) from doing the same. On hearing the noise he (complainant) along with his elder brother Manjinder Singh @ Laadi reached the spot. They found that Amrik Singh and his son Salwinder Singh @ Raja, Manjinder Singh @ Kaka and his wife Surinder Kaur @ Sindo (petitioner) were abusing and giving threats. When he (complainant) and his brother Manjinder Singh @ Laadi raised an issue with Amrik Singh and family regarding the plastering of the Wall then Amrik Singh and Surinder Kaur @ Sindo (petitioner) instigated their sons and stated that whatever would happen they would plaster the wall. On this Manjinder Singh @ Kaka armed with *dang*, and Salwinder Singh @ Raja armed with 12 bore rifle fired a gunshot directly from his rifle from the roof of his house towards his (complainant's) elder brother Manjinder Singh @ Laadi (deceased) which hit him on his neck and he fell down and died at the spot. The accused persons ran away from the spot.

During the investigation the petitioner and Manjinder Singh @ Kaka were placed in column no.2 whereas the report under Section 173(2) Cr.PC was submitted against Amrik Singh and Salwinder Singh.

Thereafter during the course of the Trial, the petitioner came to be summoned as an additional accused under Section 319 Cr.PC after the examination of the complainant as PW-1.

3. The Counsel for the petitioner contends that the petitioner has been summoned under Section 319 Cr.PC and had been found innocent during the course of the investigation. An identically situated co-accused i.e. Amrik Singh, husband of the petitioner had been granted the concession of bail by this Court vide order dated 24.09.2020 (Annexure P-3). Even otherwise, no specific role other than asking her sons to plaster the wall has

been attributed to the petitioner. As she was a lady of the age of 65 years, in custody since 17.07.2023 and only 01 out of 19 prosecution witnesses had been examined so far, she was entitled to the concession of bail.

4. The Counsel for the State on the other hand has filed a reply by way of affidavit of Mr. Rai Sher Singh, DSP, Sub Division, Khadur Sahib, Camp at Goindwal Sahib, District Tarn Taran in court today, which is taken on record. By referring to the same, she contends that the petitioner along with her husband Amrik Singh and son Salwinder Singh committed the murder of Manjinder Singh @ Laadi. Therefore, she did not deserve any sympathy by way of grant of bail. She however, concedes that the petitioner was found innocent during the investigation, had been summoned as an additional accused under Section 319 Cr.PC and that an identically situated co-accused, namely, Amrik Singh husband of the petitioner had been granted the concession of bail.

5. I have heard the learned counsel for the parties.

6. Admittedly, the petitioner was found innocent during the investigation. She was summoned as an additional accused under Section 319 Cr.PC after the examination of the complainant as PW-1. Amrik Singh her husband has been granted the concession of bail vide order dated 24.09.2020 (Annexure P-3) passed by this Court. She is stated to be 65 years old and a first time offender. Therefore, no useful purpose would be served by keeping her incarcerated.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-**Surinder Kaur @ Shindo** wife of Sh. Amrik Singh is ordered to be released on bail subject to her furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

October 31, 2023
Vinay

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No