

213 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-63542-2023 (O&M)
Date of decision : 21.12.2023

AMANDEEP KAUR ALIAS MANNUPetitioner

Versus

STATE OF PUNJABRespondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Kamal Narula, Advocate
for the petitioner.

Mr. Jashandeep Singh, AAG, Punjab with
ASI Sukhbir Singh.

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.166 dated 21.09.2023 registered for the offences punishable under Sections 307, 459, 342, 34 of IPC and Sections 25/27 of Arms Act, 1959 at Police Station Sadar Ferozpur, District Ferozpur.

2 On oral request made by counsel for the petitioner Section 120-B IPC is ordered to be added in the headnote and prayer clause of the petition.

3. Registry is directed to do the needful.

4. Mr. Piyush Sharma, Advocate appears and files his power of attorney on behalf of the injured today in Court, which is taken on record.

5. Custody Certificate of the petitioner has been filed today in Court. The same is taken on record.

6. As per the contents of the FIR it has been alleged as under :

“Statement of Harpreet Kaur wife of Late Nishan Singh son of Jasvir Singh r/o village Assal, police station Sadar Ferozepur aged about 28 years, mb. no.62838-48816. Stated that I am resident of above said address and a household lady about 10 years ago, my marriage was solemnized with Nishan Singh r/o Assal. I have two children, son aged about 5 years and daughter aged about 8 years. My husband Nishan Singh has expired in the year 2018. Now I, my both children and my mother in law and sister in law Amandeep Kaur Mannu Baba are residing. I and my mother in law alongwith our children were slept in one room and in another room my sister in law namely Amandeep Kaur Mannu was sleeping and our servant namely Jashan was slept in the cattle hut. On dated 20/21.09.2023 at about 01.00pm two unknown persons were entered into our house after, crossing the wall. Who entered our room, after woke us up, the keys of our house and mobile phone mark Apple iPhone, in which 62838-48816 number is working and mobile phone of my mother in law Gurmeet Kaur, which is keypad phone and touch phone of my daughter. They had pistol, due to the fear, we gave them keys and mobile phone. After that out of them one gentleman had locked me in the washroom, which situated in the room and shoot my mother in law. I heard the noise of firing in the washroom and I raised alarm Bachao-Bachao. On that my sister in law wake up in the second room, who also raise alarm and accused persons ran away from the spot. My sister in law open the door of washroom, then we saw that my mother in law Gurmeet Kaur was lying in the floor of our house. She received fire arm in the left side of her chest and blood was oozing, who was semi conscious. To whom, we arrange the vehicle and admit at Baghi Hospital, Ferozepur, due

to the unstable condition my mother in law Gurmeet kaur was referred at GMC Ludhiana. I become unconscious after see the incident, due to that my relative Sukhwinder Singh has arrange the vehicle and admitted me at civil Hospital, Ferozepur, where my treatment is going on. Now I, disclosed everything to you. Statement is recorded, heard, it is correct. Sd/-xxx”

7. Petitioner who happens to be the daughter of the victim is being accused of hatching the conspiracy which led to the aforesaid occurrence. Motive is stated to be property dispute *inter se* between the family.

8. Counsel for the petitioner submits that from the allegations levelled in the FIR it is evident that after the petitioner woke up she also raised alarm which resulted in the main culprits running away from the spot, thus the petitioner cannot be accused of hatching the conspiracy. Petitioner is behind bars for more than 2 months and 23 days. Challan already stands presented and thus custody of the petitioner cannot be prolonged as a punitive measure.

8. Ld. State Counsel as well as Counsel appearing for the injured have opposed the bail plea.

9. Mr. Piyush Sharma, Advocate submits that there is a voice message sent by the petitioner threatening the victim/complainant which shows that the petitioner is indeed the main culprit.

10. Having heard rival contentions, after carefully going through records of the case and without commenting on the merits of the case,

keeping in view the incarceration already suffered by the petitioner and the fact that the investigation already stands concluded and Challan stands presented, the present petition is allowed. The petitioner is ordered to be released on bail on her furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

- 11. Needless to say that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.
- 12. Pending application, if any, shall also stand disposed off.

December 21, 2023		(Pankaj Jain)
Dpr		Judge
Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No