

CRM-M-409-2024

[1]

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

CRM-M-409-2024
Reserved on 09.05.2024
Date of decision: 14.05.2024

Amarjit Kaur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Argued by: Mr. A.S. Kler, Advocate for the petitioner.

Mr. J.S. Dhaliwal, AAG, Punjab.

Mr. Mohd. Jameel, Advocate for the complainant.

KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed by the petitioner under Section 438 Cr.P.C. for grant of anticipatory bail in case having FIR No.52 dated 06.08.2023 registered under Sections 302 & 34 of IPC at Police Station Bhadson, District Patiala.

2. The allegation in nutshell are that complainant Major Singh reported to the police on 06.08.2023 that he is resident of village Kheri Jattan, Tehsil Nabha, District Patiala and that on 05.08.2023, he along with his son Ramjit Singh was standing outside his house. In the meantime, Jaspal Singh @ Pala son of Sarwan Singh, his wife Amarjit Kaur (present petitioner) and son Sukhwinder Singh, who are his neighbors, came their. Amarjit Kaur (present petitioner) raised *lalkara* that complainant party was lodging complaints against them, let they should not escape. On this, the

complainant, his wife and son went inside their house. On the same day, at about 7:15 PM, complainant and his son in law Gursewak Singh were standing outside the house while Ramjit Singh was also coming towards his house and in the way Sukhwinder Singh @ Sukha having iron rod, Ravinder Singh son of Jaspal Singh having wooden *dang* and Jaspal Singh who was holding sharp edged weapon, encircled him. At that time, petitioner Amarjit Kaur who was also standing at a some distance from her house raised *lalkara* that he should not escape and then Sukhwinder Singh @ Sukha gave iron rod blow which hit on the backside of neck of Ramjit Singh and then Jaspal Singh hit some sharp edged article in right flank of Ramjit Singh while Ravinder Singh caught Ramjit Singh from his hair and had thrown him on the ground and then all of them gave beatings to Ramjit Singh and the aforesaid incident was witnessed by the complainant and Gursewak Singh who raised alarm and rescued Ramjit Singh from hands of the aforesaid assailants. Ramjit Singh became unconscious and was taken to hospital at Patiala where he was declared dead by the concerned doctor.

3. The counsel for the petitioner has submitted that petitioner, a lady aged about 50 years having no criminal antecedents is falsely implicated in the present case. It has been further submitted that actually all the family members of Jaspal Singh are falsely roped in the present case. It has been further submitted that petitioner has already joined investigation with the police on the basis of order of interim bail passed by this Court and that the State counsel on instructions from ASI Parvinder Singh made statement that the petitioner is no more required for any further investigation by the police. The counsel for the petitioner further submits

that even if the allegations made in the FIR are taken to be correct on its face value, it could be easily made out that at the time of alleged occurrence, petitioner was empty handed and as such nothing is to be recovered from her and thus, there is no need for custodial interrogation of the petitioner.

4. The State counsel has submitted that at the time of occurrence, the present petitioner raised *lalkara* and exhorted the other accused persons to kill Ramjit Singh and on this the other accused assaulted the deceased with different weapons as a result of which, Ramjit Singh sustained multiple injuries and later on died.

5. On the last date of hearing, the State counsel on instructions from ASI Parvinder Singh submitted that petitioner who has joined the investigation is no longer required by the police for the purpose of further investigation in the present case.

6. I have considered the submissions made by counsel for the parties.

7. The present case is relating to murder of Ramjit Singh son of complainant Major Singh. The petitioner is specifically named in the FIR and there are allegations that at the time of the incident, she was standing near by and exhorted the other accused persons to finish Ramjit Singh and immediately thereafter, the other accused assaulted and caused fatal injuries to Ramjit Singh. Even if, no other specific act except for exhortation is attributed to the petitioner, this is no ground to grant anticipatory bail to the petitioner. Similarly, petitioner is not entitled to concession of anticipatory bail merely because her custodial interrogation is not required by the police,

as has been held by the Hon’ble Supreme Court in *X Vs. Arun Kumar CK 2022 Live Law (SC) 870* wherein it was observed that the Court hearing in anticipatory bail application should consider as to whether a *prima facie* case is put up against the accused and is also to take into consideration, nature of the offence along with the severity of the punishment.

8. In the present case, there are allegations that the remaining accused brutally killed Ramjit Singh after they were exhorted by the petitioner. Thus, as per the record *prima facie* involvement of the petitioner who is stated to have raised *lalkara* is established. The case being involving murder of Ramjit Singh, if convicted with aid of Section 34 IPC, entails minimum of life imprisonment.

9. In light of the above, no ground is made out to grant concession of anticipatory bail to the petitioner. Consequently, the present petition is dismissed and interim order dated 29.02.2024 is vacated.

10. However, any observation made herein above is not to be construed as an expression of opinion on the merits of the case.

14.05.2024
Yogesh

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned:-	Yes/No
Whether reportable:-	Yes/No