



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
(212)

CRM-M-19540-2024 (O & M)
Date of decision: 28.05.2024

Manjit Kaur
V/s
State of Punjab

.... Petitioner
...Respondent

CORAM: HON’BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Ms. Renu Arora, Advocate,
for the petitioner.

Mr. Harkanwar Jeet Singh, AAG, Punjab.

Mr. Sandeep Kumar, Advocate, for the complainant.

JASJIT SINGH BEDI, J. (Oral)

CRM-23935-2024

The application for placing on record the copy of the order dated 29.01.2024 passed by the Chief Judicial Magistrate, District Kapurthala (Annexure A-1), is allowed as prayed for subject to all just exceptions. The same is taken on record.

CRM-M-19540-2024

The prayer in present petition under Section 439 Cr.P.C. is for the grant of regular bail to the petitioner in a case FIR No.77 dated 01.11.2023 under Sections 302 and 34 IPC registered at Police Station Fattudhinga, District Kapurthala.

2. The present FIR came to be registered at the instance of Santokh Singh and reads as under:-

“Statement of Santokh Singh son of Sh. Raj Mal, resident of Village Fattu Dhinga, Police Station Fattu Dhinga, District



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Kapurthala, aged about 62 years, Mobile No. 97815 57763. Stated that I am residing at above noted address and is agriculturist by profession. There was dispute between me & my brother Kuldip Singh regarding land measuring 15 Kanal, which is ancestral property of my father Raj Mal, regarding which, a case was pending before Ld. Court, which was decided in my favour. However my brother was not agreed with said order and he intentionally used to interfere in my land. On 30.10.2023, when I alongwith my wife Amarjit Kaur, aged about 60 years, were present in Dera (house), situated in our land, at about 5.45 P.M., I had come to Fattu Dyinga for getting feed for livestock, however I could not get feed, hence came back to home. Then after about 1/2-3/4 hour, I left for my Dera (house). As I took turn towards my house, I found that my brother Kuldip Singh, armed with datar, his wife Manjit Kaur, armed with danda and their son Armandeep Singh son of Kuldip Singh, armed daang alongwith two unknown persons, who were empty handed, were giving blows on my wife Amarjit Kaur with their respective weapons and she was trying to rescue herself. I raised alarm of 'maar ditta... maar ditta', on which, all the assailants with their respective weapons fled away from the spot. I rushed to attend my wife and found that it was bleeding from her head and she had become unconscious. On this, I arranged a conveyance and brought her to Civil Hospital, Kapurthala, where the Doctor on duty, keeping in view her condition, further referred her to Satyam Hospital, Jalandhar. However my son, who is serving in Army and is posted at Patiala, asked me that you may bring the mother to Army Hospital, Jalandhar, on which, I brought my wife Amarjit Kaur to Army Hospital, Jalandhar and got her admitted over there for treatment purpose. But today, on 1.11.2023, at about 12.30/12.45 P.M., my wife has died during the course of treatment. My wife has died due to the head injuries, received by her during the beatings, given by said Kuldip Singh, Manjit



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Kaur, her son Armandeep Singh and two unknown persons with their respective weapons. Hence due legal action may be taken against them. Sd/- Santokh Singh”.

3. During the course of investigation, the petitioner as well as her son were declared innocent. On the basis of the said fact, an application for the discharge of the petitioner was moved. However, the same came to be dismissed and she alongwith her co-accused/Armandeep Singh were ordered to be summoned under Section 190 Cr.P.C.

4. The learned counsel for the petitioner contends that the petitioner had been declared innocent during the course of investigation. She was summoned to face Trial under Section 190 Cr.P.C. As she was a lady, a first-time offender and in custody since 01.11.2023 but none of the 17 prosecution witnesses had been examined so far, the Trial of the present case was not likely to be concluded anytime soon and therefore, she was entitled to the concession of bail.

5. The learned counsel for the State, on the other hand, has filed a reply dated 28.05.2024 which is taken on record. The averments made regarding innocence of the petitioner as also the period of custody undergone by the petitioner have not been denied.

6. The learned counsel for the complainant contends that the petitioner was duly named in the FIR but had been wrongfully exonerated by the investigating agency. Therefore, she was not entitled to the concession of bail.

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

8. Admittedly, the petitioner was declared innocent but came to be summoned under Section 190 Cr.P.C. She is stated to be in custody since



01.11.2023 but none of the 17 prosecution witnesses have been examined so far. Therefore, the Trial of the present case was not likely to be concluded anytime soon. In this situation, the further incarceration of the petitioner is not required, moreso, when she is a first-time offender.

9. Thus, without commenting upon the merits of the case, the present petition is allowed and the petitioner, namely, Manjit Kaur is ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

10. The present petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

May 28, 2024
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No