

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-19812-2024 (O&M)
Date of Decision: 29.04.2024

Pushpinder Kaur ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Karandeep Singh Deswal, Advocate,
for the petitioner.

Mr. Vinay Kumar Malhotra, DAG, Punjab,
assisted by ASI Ranjit Singh.

FIR No.	Dated	Police Station	Section/s
129	24.08.2023	Sadar, District Hoshiarpur	307, 397, 323, 324, 460, 411 & 34 IPC

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of aforementioned FIR.
2. The FIR in question was lodged at the instance of Harvinder Kaur, wherein it is alleged that on 20.08.2023 at about 9:00 PM, when she was present at her home, then the door bell rung and when she opened the door, she found two persons and a woman standing there. She knew the woman to be Pushpinder Kaur (petitioner) and one of the men accompanying her to be Avtar Singh @ Taari. However, the third person was not known to her. It is alleged that the men i.e. Avtar Singh and other person, tied her arms and gave beatings to her while Pushpinder

Kaur locked the door from inside. It is alleged that the said persons also inflicted injuries to her with '*daatar*' and took away a set of gold earrings, one gold chain, a locket with '*khanda*' as well as cash lying at home.

3. Learned counsel for the petitioner submits that although the petitioner is named in the FIR, but no injury is attributed to her and that she has been involved by raising allegation against her to the effect that she had bolted the door from inside after the accused had entered the complainant's house so as to enable the co-accused to inflict injuries to the complainant. It has further been submitted that since co-accused Mandeep Singh Nihang has already been granted regular bail vide order dated 19.03.2024, the petitioner also deserves the same concession on grounds of parity.
4. Opposing the petition, learned State counsel submitted that since gold ring and gold chain have been recovered from the petitioner, her complicity is clearly evident. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 8 months & 3 days and that she is not involved in any other case. It has also been informed that although charges have been framed, but none out of cited 15 PWs has been examined till date.
5. This Court has considered rival submissions.
6. It is no doubt correct that the petitioner is specifically named in the FIR, but she is not attributed any injury. The petitioner has been behind bars for a substantial period of more than 8 months and otherwise enjoys a clean record. Conclusion of trial is likely to take time inasmuch as none

out of cited 15 PWs has been examined so far. Under these circumstances and also having regard to the fact that the petitioner is a lady, which would warrant taking a lenient view, this Court is of the opinion that further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

29.04.2024

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**(GURVINDER SINGH GILL)
JUDGE**

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