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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-22182-2024

Date of Decision : 09-05-2024

Sarabjit Kaur

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present:- Mr. Kanwaljeet Singh Brar, Advocate  
for the petitioner.

Mr. Ravinder Singh, AAG Punjab.

**PANKAJ JAIN, J. (Oral)**

1. Prayer is for grant of regular bail in FIR No.59 dated 16.08.2023 for the offence punishable under Sections 302, 323 and 34 of IPC, 1860 at Police Station Singh Bhagwantpura, District Roopnagar.

2. As per the allegations levelled in the FIR, it has been alleged as under:-

*“Copy of Statement of Amrik Singh son of Late Bachan Singh Village Brahman Majra, Police Station Singh Bhagwantpur, District Roopnagar aged about 65 years Mob. No. 62803-62567 stated that I am resident of the above said address and I am doing the work of the cycle repair. We are 8 brothers and two sisters. I and my brother Dalbara Singh have not performed marriage and further I and Dalbara Singh are living in the ancestral house of*



*our brother Gurnam Singh and my five brothers are living outside the village in their own basis and in the ancestral house of our village I and Dalbara Singh are living in court yard of the house and Gurnam Singh is married and he have two sons namely Gurpreet Singh @ Jaggi and one daughter Lovepreet Kaur and the house of Gurnam Singh is bigger than our house. That Gurnam Singh mostly remains ill and is lying on the bed and the house hold work of the house is being done by wife of Gurnam Singh namely Sarabjit Kaur and Sarabjit Kaur by demolishing the old house is constructing new house and then my brother Jasbir Singh who is living outside took a stay from the Hon'ble Court because this land is place is ancestral and being joint of all brothers and then Sarabjit Kaur stopped constructing the house and started residing on the rent. That on 24.07.2023 Sarabjit Kaur challenge the stay and got it vacated from the court and again started building the house. Yesterday on 15.08.2023 Sarabjit Kaur tried to include our warranda and Kitchen in the house then on 16.08.2023 at 07:45 AM I and my brother Dalbara Singh started asking Sarabjit Kaur that why you have included our warranda and kitchen and said that this is in our share then Sarabjit Kaur said that she have done so you do whatever you can do and on that Sarabjit Kaur stated to her son Gurpreet Singh @ Jaggi and Ranjodh Singh and daughter Lovepreet Kaur that both of them are not allowing to construct our house and today we should eliminate them. That on staying so of Sarabjit Kaur, Gurpreet Singh @ Jaggi and Ranjodh Singh took the iron pipes and Dalbara Singh was standing at a few distance from me then Gurpreet Singh @ Jaggi gave a blow of iron pipe on the head of Dalbara Singh and Ranjodh Singh gave a blow of iron pipe on the legs and arms of Dalbara Singh. Gurpreet Singh @ Jaggi gave blow of iron pipe on the head of Dalbara Singh and when I tried to rescue him then he pushed me. Sarabjit Kaur instigated her sons and said that today they should eliminate Dalbara Singh. That Dalbara Singh fell down on the ground and I tried to save him then Sarabjit Kaur and her daughter Lovepreet*



*Kaur inflicted danda blows on me. I raised the alarm then my brother Jarnail Singh reached at the spot then Jarnail Singh tried to save Dalbara Singh from them and they pushed Jarnail Singh and Ranjodh Singh gave a blow of pipe on my right eye and then blood started turning out from my eye and then Sarabjit Kaur gave leg blows on Dalbara Singh while he was lying down and Lovepreet Kaur gave danda blows on me. That Jarnail Singh got us rescued from them then blood was oozing from the head of Dalbara Singh and blood was also coming from his left arm and left leg and then Jarnail Singh called Varinder Singh at the spot who took me and my brother Dalbara Singh to Civil Hospital Roopnagar. That during treatment health of the Dalbara Singh deteriorated who at 02 PM died at Civil Hospital Roopnagar and the dead body of Dalbara Singh is kept in the mortuary by doctor sahib and there are stiches on my eye and I am under treatment. So it is requested that legal action be taken against Sarabjit Kaur, and daughter Lovepreet Kaur and her sons Gurpreet Singh @ Jaggi and Ranjodh Singh. I have recorded my statement which is true and correct one signed Amrik Singh verified Jarnail Singh attested Harpreet Singh SI SHO Police Station Singh Bhagwantpura dated 16.08.2023.”*

3. Counsel for the petitioner relies upon order dated 01.03.2024 passed in CRM-M-10264-2024 and claims parity whereby co-accused Lovepreet Kaur has been granted concession of regular bail observing as under:-

*“1. The petitioner seeks grant of regular bail in respect of aforementioned FIR.*

*2. The FIR was lodged at the instance of Amrik Singh, wherein it is alleged that on account of a dispute regarding construction of ancestral house, his sister-in-law, namely, Sarabjit Kaur raised lalkara exhorting her son Gurpreet Singh @ Jaggi, Ranjodh Singh and daughter Lovepreet Kaur to eliminate the complainant and*



*Dalbara Singh (complainant's brother). It is the case of the prosecution that Sarabjit Kaur, Gurpreet Singh @ Jaggi and Ranjodh Singh took out iron pipes and Gurpreet Singh @ Jaggi inflicted a blow with iron pipe on the head of Dalbara Singh complainant's brother). Ranjodh Singh is stated to have inflicted blows with iron pipe on the legs and arms of Dalbara Singh. Gurpreet Singh (@ Jaggi is stated to have given another blow with iron pipe on the head of Dalbara Singh and when the complainant tried to rescue him, then he was pushed by the accused. It is further alleged that Sarabjit Kaur again instigated her sons to eliminate Dalbara Singh and when Dalbara Singh fell down and the complainant was trying to help him, then Sarabjit Kaur and her daughter Lovepreet Kaur inflicted stick blows to the complainant. When the complainant raised alarm, another of his brother, namely, Jarnail Singh reached at the spot so as to help Dalbara Singh, but even Jarnail Singh was manhandled by the accused. It is further alleged that Ranjodh Singh also inflicted a blow with iron pipe on the complainant's right eye. It is further alleged that while Sarabjit Kaur inflicted stick blows to Dalbara Singh, Lovepreet Kaur inflicted stick blows to the complainant.*

*3. Learned counsel for the petitioner submitted that she is a young girl aged about 23 years and has been falsely implicated on account of a dispute in the family in respect of ancestral house. It has been submitted that even if all the allegations, as leveled in the FIR, are taken to be correct, still the only role attributed to the petitioner is that after the co-accused had inflicted fatal injuries to the deceased with iron pipes, then the petitioner inflicted injury to the complainant with a stick, which is a simple injury.*

*4. Opposing the petition, learned State counsel submitted that since the petitioner is specifically named in the FIR and had inflicted injuries to the complainant with stick, 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 6 months & 16 days and that she is not involved in any other case.*



*It has also been informed that as on date out of cited 17 PWs, 2 PWs have been examined and examination-in-chief of another 3 PWs has been recorded partly.*

*5. This Court has considered rival submissions.*

*6. Without commenting anything as regards the merits of the case, but having regard to the fact that the petitioner is a young unmarried girl and the only role attributed to her is that of inflicting blow with a stick to the complainant only and is not attributed any injury to the deceased, further detention of the petitioner, who otherwise has a clean record, will not serve any useful purpose as the conclusion of trial will take some time. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on her furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.”*

4. He submits that no overt act has been attributed to the petitioner apart from alleging that she instigated the main culprits and gave leg blows on Dalbara Singh while he was alive. Petitioner is a 58 year old woman and behind bars for more than 8 months and 25 days. Her trial is not likely to conclude in the near future.

5. I have counsel for the parties and have gone through the records of the present case.

6. Keeping in view the dispute with respect to the ancestral house between the family members and the parties were already in thick of civil *lis* and the petitioner has clean antecedents, present petition is allowed. The petitioner is ordered to be released on bail on her furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.



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7. Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.

09-05-2024  
spn

(PANKAJ JAIN)  
JUDGE

Whether speaking/reasoned : Yes  
Whether Reportable : No