



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

240

CRM-M-22892-2024**Date of decision: May 13, 2024**

MELO

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. G.S. Nahel, Advocate
for the petitioner.

Mr. Amit Rana, Senior Deputy Advocate General, Punjab
with ASI Jasvir Singh.

MANJARI NEHRU KAUL, J. (ORAL)

1. The instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.192 dated 26.12.2023 (Annexure P-1) under Sections 302, 323, 34, 201 of the Indian Penal Code, 1860, registered at Police Station Sadar Dhuri, District Sangrur.

2. Learned counsel for the petitioner submits that it is on the face of it a case of false implication of the petitioner. As per allegations levelled in the FIR in question, which has been annexed as Annexure P-1, it was alleged that co-accused Mali Khan and Salamdeen, after grabbing the deceased, had thrown him down on the floor and thereafter, had inflicted injuries with sword on his person. Learned counsel submits that the petitioner has not been attributed any injury on the person of the deceased, much less fatal and rather, she has been attributed only a brick blow on the person of one of the witnesses Rabina, who had tried to rush to the rescue of the deceased. Learned counsel submits that there was no medico legal evidence to support the allegations of any injury having been inflicted by the petitioner on the witness-Rabina. He submits that it is for reasons but obvious that the complainant-party had tried to involve the petitioner, who is a 70 years old woman and mother-in-law of the daughters of the deceased. Learned counsel has submitted that since investigation in the case at hand is complete and as many as 22 witnesses have been cited by the



prosecution, further incarceration of the petitioner would serve no useful purpose as the trial would take considerable time to conclude.

3. Mr. Sahilpreet Singh, Advocate has put in appearance on behalf of the complainant and filed his Vakalatnama in the Court today, which is taken on record.

4. *Per contra*, learned State counsel, assisted by learned counsel for the complainant, while opposing the prayer and submissions made by the counsel opposite, has not been able to dispute the factual aspect of the role attributed to the petitioner; he, on instructions, has also not disputed that there is no medical evidence to corroborate the injury attributed to the petitioner with a brick bat. Learned State counsel, however, submits that the case has not yet been committed to the Court of Sessions, though challan was presented on 14.03.2024.

5. I have heard learned counsel for the parties and perused the relevant material placed on record.

6. No doubt, the petitioner has been named in the FIR in question, however, as not disputed by the learned State counsel, she has not been attributed any injury on the person of the deceased except for a simple injury on the forehead of one of the witnesses Rabina, who was present along with the deceased at the time of the alleged occurrence.

7. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to allow the instant petition and extend the concession of regular bail to the petitioner.

8. The petition as such is allowed, and the petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

May 13, 2024
Jaspreet Kaur

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No