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(224)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-32543-2024

Date of Decision: 16.07.2024

SUNITA RANI

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Vaibhav Narang, Advocate
for the petitioner.

Mr. Harkanwar Jeet Singh, Asstt. A.G., Punjab.

JASJIT SINGH BEDI, J.

The prayer in this 2nd petition under Section 439 Cr.P.C. is for the grant of regular bail in case bearing FIR No.29 dated 26.02.2024 registered under Sections 302/324/341/34 IPC, 1860 at Police Station 'B' Division, Police Commissionerate Amritsar.

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

"Statement of Gurdial Singh son of Labh Singh, resident of house no. 226, street no. 5, New Shaheed Udham Singh Nagar, Sultanwind Road, Amritsar, aged 60 years, mobile no. 8054406116 made a statement that I am resident of above said address and I do job of private driver. I have four children, out of whom the eldest son is Harjinder Singh alias Sunny aged around 30 years who is married and younger to him is daughter Seema Kaur who is married and younger to



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her is daughter Reena Kaur and the youngest is son Bobby Singh who is studying. My son Harjinder Singh alias Sunny do the work of jeweller. In our neighbourhood Mehtab Singh alias Rajan son of Vikramjit Singh lives who do the work of snatching and is a criminal person. In order to meet him miscreants used to visit the street very often. Few days back i have told Mehtab Singh alias Rajan that because of him wrong persons come in the street and they asked your address from us, Mehtab Singh alias Rajan above said did not like this thing due to which I have installed CCTV Camera outside my house, so that i can come to know about the wrong persons who use to come to meet Mehtab Singh alias Rajan. Mehtab Singh nursed grudge due to installation of CCTV Cameras and started threatening us that i have levelled false allegation against him. On 25.02.2024 at around 8.00 in the night. I and my son were standing in the street after coming outside of our house, then Mehtab Singh alias Rajan armed with Dattar and his brother Sukhdev Singh alias Kaka and his mother Sunita Rani came to the street from their house and immediately on coming on seeing us Mehtab Singh alias Rajan raised Lalkara and told today they will teach lesson to Harjinder Singh alias Sunny for levelling false allegations against us and while saying this gave a Dattar blow on my son Harjinder Singh alias Sunny. In order to save my son I came in front then the blow given by Mehtab Singh alias Rajan hit on my right arm and we raised Raula Mar Ditta Mar Ditta then all of them ran away from the spot, I in injured condition with my son Harjinder Singh alias Sunny went to Police Station B division and Got a docait of the injuries suffered me and had gone to Civil Hospital Amritsar for treatment. Doctor was doing medical



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then due to the more pain Doctor told to bring medicine, i and my son Harjinder Singh alias Sunny came outside hospital to medical store to get the medicine when we reached at the gate of the hospital then at around 9.00 in the night suddenly Mehtab Singh alias Rajan came at the gate along with his brother Sukhdev Singh alias Kaka they stopped myself and my son and while raising Lalkara they told today they will finish Harjinder Singh alias Sunny he falsely levelled false allegations against us every day. While i was watching Mehtab Singh alias Rajan and Sukhdev Singh alias Kaka started fighting with my son Harjinder Singh alias Sunny and Mehtab Singh alias Rajan taken out Kirch like weapon and gave a blow in the stomach of my son Harjinder Singh alias Sunny which hit on the upper side of left rib area, my son fell down on the ground. I raised Raula Mar Ditta Mar Ditta then Mehtab Singh Rajan and his brother Sukhdev Singh Kaka along with their weapon ran away from the spot. I with the help of other persons taken Harjinder Singh alias Sunny inside Civil Hospital Emergency in injured condition where doctor declared my son Harjinder Singh Sunny dead. The motive behind the occurrence is that Mehtab Singh alias Rajan who is criminal person in order to meet him wrong persons use to visit the street, we use to raise objection and stopped him from doing all this. Due to this Mehtab Singh alias Rajan, Sukhdev Singh Kaka have murdered my son, I am victim against them strict legal action may be taken. Verified (hindi) Gurdial Singh.”

3. The learned counsel for the petitioner contends that she has been falsely implicated in the present case. As per the allegations in the FIR, the

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petitioner is shown to be standing at the time of the first scene of the occurrence without any weapon and no injury has been attributed to her. During the second occurrence the presence of the petitioner is not there. Therefore, the challan against the petitioner was presented only under Section 324/341/34 IPC and not under Section 302 IPC. As she was in custody since 26.02.2024 but none of the 26 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 moreso when she has clean antecedents.

4. On the other hand, the learned State counsel contends that the son of the petitioner was the main accused. The petitioner was present at the time of the first occurrence and therefore, cannot escape liability. He, however, concedes that at time of the second occurrence when the fatal injury was caused, the petitioner was not present and therefore, the report under Section 173 Cr.P.C. was presented against her only under Section 324, 341 and 34 IPC.

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

6. The veracity of the prosecution case against the petitioner and her co-accused shall be adjudicated upon during the course of the Trial. Admittedly, the report under Section 173 Cr.P.C. has been presented against the petitioner under Sections 324, 341 and 34 IPC. She is a lady and stated to be in custody since 26.02.2024 but none of the 26 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to

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be concluded anytime soon. In this situation, the further incarceration of the petitioner is not required.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail on her furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

16.07.2024

JITESH

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