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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-35014-2024
Date of decision : 29.07.2024

Jasvir Kaur
.....Petitioner

versus

State of Punjab
..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Kulwinder Singh Dhillon, Advocate
for the petitioner.

Mr. Karunesh Kaushal, A.A.G., Punjab.

RAJESH BHARDWAJ, J. (Oral)

Present petition has been filed by the petitioner under Section 439 Cr.P.C. praying for grant of regular bail in case FIR No.62 dated 26.03.2024, under Sections 307, 353, 186, 332, 148 & 149 IPC and Sections 25/27 of Arms Act, registered at Police Station Dasuya, District Hoshiarpur, Punjab.

Adumbrated facts of the case are that the police party on receiving a secret information conducted a raid on a house disclosed to them. However, once the police party had entered the house, the accused i.e. the inmates of the house opened the door and attacked on the police party. The co-accused attacked the police party, whereas, Taljinder Kaur allegedly brought the gun from inside and handed over to the co-accused for firing at the police. During the raid, the police also fired at the co-accused, namely, Sucha Singh, from their service revolver who lateron succumbed to the injuries. The police registered the FIR and the investigation commenced The petitioner was arrested on 26.03.2024. The petitioner approached the Court of Learned Additional Sessions Judge, Hoshiarpur praying for grant of bail, however, the same was



declined after hearing both the sides by the Ld. Additional Sessions Judge vide order dated 26.06.2024. Aggrieved by the same, the petitioner approached this Court praying for grant of bail.

Learned counsel for the petitioner has contended that the petitioner has been falsely implicated in this case. He prays for the grant of bail to the petitioner on the basis of parity with that of the co-accused, who has been granted bail by this Court vide order dated 12.07.2024 passed in **CRM-M No.31935 of 2024**. He submits that the police party intentionally implicated the whole family of the petitioner. He submits that the husband of the petitioner i.e. Sucha Singh had died on receiving the bullet injury from the police. It is submitted that no overt act has been attributed to the petitioner and thus, she has been falsely implicated in this case. It is submitted that even otherwise, the investigation is already complete and in the overall facts and circumstances of the present case, the petitioner deserves to be granted regular bail.

Per contra, learned State counsel has opposed the submissions made by counsel for the petitioner. He submits that there are specific allegation against the petitioner that she raised alarm and asked her daughter-in-law to brought the gun from inside the house to fire on the police party. He submits that in all there were 07 accused, however, one of accused i.e. Sucha Singh had died, whereas the challan has been presented against all 06 co-accused.

Heard. On hearing counsel for the parties and perusing the record, it is apparent that the petitioner was arrested on 26.03.2024. As per the allegations in the FIR, the petitioner raised alarm and asked her daughter-in-law to brought the gun from inside the house to fire on the police party. However, her husband had already succumbed to the injuries during the incident. The investigation in the case is already complete.



The veracity of the allegations would be assessed only after conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on her furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

29.07.2024
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(RAJESH BHARDWAJ)
JUDGE

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