

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

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CRM-M-35426-2024
Date of Decision : **October 28, 2024**

JASVEER KAUR

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. A.S.Gill, Advocate
for the petitioner.

Mr. Pardeep Bajaj, DAG, Punjab.

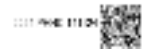
KULDEEP TIWARI, J. (Oral)

1. Through the instant petition filed under Section 439 Cr.P.C., the petitioner prays for grant of regular bail in case FIR No.42 dated 17.3.2024, Under Sections 302, 148, 149, 120-B of IPC, registered at Police Station City Muktsar, District Sri Muktsar Sahib.
2. The instant FIR, has been registered on a statement made by one Gurbinder Singh @ Lucky, wherein, he alleged that on the fateful day i.e. 16.3.2024, one Gabbar Singh @ Jagjit Singh armed with kapa, Happy Singh son of Balwinder Singh armed with kirpan and Heera Singh son of unknown armed with kapa, came at the spot while riding on a motorcycle. At the same time, Nikhal Singh (husband of present petitioner) also came at the spot and raised a *lalkara*, further-more, Vicky son of unknown also came at the spot

and raised another *lalkara*. Thereafter all the above mentioned persons caused injury to the mother of the complainant with their respective weapons.

3. While referring to the allegations in the FIR, the learned counsel for the petitioner in the asking for the relief (*supra*) submits that the only role attributed to the present petitioner is that prior to the occurrence, she threatened the deceased to the effect that a lesson will be taught for the act of her son. He further submits that a day after the occurrence, supplementary statement of the complainant was recorded under Section 161 Cr.P.C., wherein material improvements were made in the allegations and the present petitioner was alleged to be present at the time of occurrence. He also submits that though it is apparent that the subsequent statement suffers from vice of concoction but even if we take the allegations as a gospel truth, the only allegation is that she was present at the spot and no injury whatsoever is attributed to her except making threatening statement. He finally submits that the petitioner is a woman aged 75 years and has suffered incarceration of more than 7 months as on today and the trial is at the initial stage.

4. The learned State counsel has vociferously opposed the grant of regular bail to the petitioner and submits that the petitioner prior to the occurrence also raised *lalkara* and as per the supplementary statement of the complainant, she was present at the spot when the injuries were caused by the co-accused to the injured/victim, therefore, she shared the common intention. He has further placed on record the custody certificate *qua* the petitioner, today in the Court, as per which the petitioner has suffered incarceration of about 7 months as on today and she is not involved in any other case. He also informs this Court on instructions imparted to him by the official concerned that the final report under Section 173 Cr.P.C. has already



been submitted and the charges have been framed on 3.9.2024 and out of total 28 cited prosecution witnesses, none has been examined so far.

5. This Court has considered the rival submissions made by the learned counsel for the parties concerned and is the view that the instant petition is amenable to be **allowed** for the reasons extracted hereinafter:-

i) The role which was attributed to the present petitioner in the FIR (supra) and the material improvements, which were made in the subsequent statement got recorded by the complainant has any probative value, would be a moot question to be adjudicated by the learned trial Court concerned at an appropriate stage of the trial; and

ii) the petitioner is a woman of 75 years of age and has suffered incarceration of about 7 months as on today and the trial is at the initial stage, therefore, the conclusion of the trial would take long time.

6. In view of the above, the petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

7. However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

October 28, 2024
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No