



CRM-M-37942-2024

-1-

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

CRM-M-37942-2024

Date of Decision: 23.09.2024

Kuldeep Kaur Mani @ Kuldeep Kaur @ Mani

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. J.S. Jaidka, Advocate and
Mr. Abhishek Khullar, Advocate for the petitioner.
Mr. J.S.Arora, DAG, Punjab.

Rajesh Bhardwaj, J. (ORAL)

1. Petitioner has approached this Court by way of present petition praying for granting her regular bail in case FIR No.58 dated 29.04.2023, under Sections 302, 34 IPC, registered at Police Station Sidhwan Bet, District Ludhiana.

2. As per facts of the case, Rajpreet Kaur lodged the complaint with the police, wherein it was alleged that her Chacha, Baljit Singh was unmarried and a lady, namely, Kuldeep Kaur @ Mahni (petitioner) wife of Swaran Singh used to come to meet him. This relation of Kuldeep Kaur @ Mahni with her Chacha Baljit Singh, was being objected to by her family members including her father. On 29.04.2023, Kuldeep Kaur @ Mahni came to meet her Chacha Baljit Singh, which was objected to by her father Kuldeep Singh (deceased). However, both Baljit Singh and Kuldeep Kaur @ Mahni did not tolerate the same and in a fit of rage, Baljit Singh hit her father with his crutch and Kuldeep Kaur @ Mahni also hit her father on the stomach with kicks. Resultantly, her father had fallen down. Her father



Kuldeep Singh having been injured, was shifted to the Hospital, but he succumbed to the injuries. On the basis of the complaint the FIR was registered and the investigation commenced. The petitioner was arrested on 29.04.2023. She approached the Court of learned Sessions Judge, Ludhiana praying for grant of regular bail, however, on hearing both the sides, learned Court declined the same vide order dated 16.08.2023. Hence, the petitioner is before this Court by way of filing the present petition praying for grant of regular bail.

3. It has been vehemently contended by counsel for the petitioner that petitioner has been falsely and frivolously implicated in this case. He submits that from the bare reading of the allegations made in the FIR, no *prima facie* case is made out against the petitioner. It is submitted that the dispute was between the brothers and only allegations against the petitioner was that she came to meet Baljit Singh. It is submitted that taking the allegations on its face value, offence under Section 302 IPC is not made out against the petitioner as in the facts and circumstances, it was a case of sudden provocation. He submits that the weapon of offence used in the case is also a crutch of Baljit Singh, thus, offence of culpable homicide amounting to murder is also not made out. He submits that the petitioner is behind bars from the date of her arrest and she has no criminal antecedent. It is submitted that the challan is presented and charges are framed, however, there is no progress in the trial. She submits that in the totality of the facts and circumstances of the case, the petitioner deserves to be granted bail.

4. Learned State counsel has opposed the submissions made by counsel for the petitioner. He has submitted the petitioner has played an



active role in the commission of offence as she gave kick blows on the stomach of the deceased. He submits that the deceased succumbed to the injuries given by the petitioner and the co-accused. However, on instructions he has submitted that the petitioner has no criminal antecedent. He submits that investigation is complete, challan is presented and after framing the charges, learned trial Court has already commenced with the recording of offence. He further submits that out of total 12 prosecution witnesses, none has been examined so far.

5. Heard.

6. After hearing counsel for the parties and perusing the record, it is apparent that the petitioner is behind bars since 29.04.2023. There is nothing on record to show that the petitioner is involved in any other case. Investigation is complete and charges have been framed. However, out of total 12 prosecution witnesses, none has been examined till date. As submitted by counsel for the petitioner, it is a case of sudden provocation, as the weapon used in the alleged offence is prosthetic of co-accused Baljit Singh.

7. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficient long time. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner.



CRM-M-37942-2024

-4-

8. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his 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.

(RAJESH BHARDWAJ)

JUDGE

23.09.2024

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Whether Speaking/Reasoned :

Yes/No

Whether Reportable :

Yes/No