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

**CRM-M No.50983 of 2024
Date of decision: 22.10.2024**

Sukhwinder Kaur @ Binder**..... Petitioner****versus****State of Punjab****..... Respondent****CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present: Mr. Jasvir Singh Dhaliwal, Advocate
for the petitioner.

Mr. J. S. Arora, DAG, Punjab.

RAJESH BHARDWAJ J.

1. Present petition has been filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 praying for the grant of regular bail to the petitioner in case bearing FIR No.125, dated 18.08.2024, under Sections 125, 109, 118(1) and 3(5) of Bharatiya Nyaya Sanhita, 2023 and Section 27 of Arms Act, (later on section 103/191(3)/190 of BNS, 2023 has been added and Section 3(5) of BNS, 2023 has been deleted), registered at Police Station Talwandi Sabo, District Bathinda during the pendency of the trial.

2. Succinctly the facts of the case are that on 18.08.2024, an information was received at Police Post Singon that fight had taken place between two parties at village Rayia. On receiving the same, the Police



reached at village Rayia where it was found that both the parties had gone to Civil Hospital Talwandi Sabo for treatment. On reaching the Hospital, the Doctor presented the MLR before the police. There was no person found present near the bed of injured, who could give the sufficient information about the occurrence. As per the information, a fight took place between Gursewak Singh son of Bikar Singh with his neighbour Kulwinder Singh, Baljinder Singh sons of Jagan Singh alias Jang Singh. During the fight, Gursewak Singh and his wife Sukhwinder Kaur had fired their licensed Bara Sher and .12 revolver. On sending the ruqa, the FIR was registered against Gursewak Singh, Sukhwinder Kaur. After registration of the FIR, the investigation commenced. The accused-petitioner was arrested on 18.08.2024. The petitioner approached the Court of learned Judge, Special Court, Bathinda praying for the grant of bail. However on hearing both the sides, the learned Judge, Special Court, Bathinda finding no merit, dismissed the petition filed by the petitioner vide order dated 07.10.2024. Hence the petitioner has approached this Court praying for the grant of regular bail by way of filing the present petition.

3. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. He has submitted that there is a delay of 01 day in lodging the present FIR. He has submitted that the allegations made against the petitioner is that she fired a gun shot from .12 Bore revolver, however there is no injury caused by the petitioner. He has submitted that no specific allegations have been made against the petitioner and thus, her false implication is writ large. He



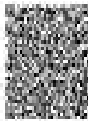
has submitted that co-accused, namely, Khushpreet Kaur, Sukhdev Kaur and Jagsir Singh @ Jagga have approached this Court by way of filing CRM-M-45451-2024 & CRM-M-46326-2024 praying for the grant of anticipatory bail, however this Court had granted interim bail to the co-accused vide orders dated 12.09.2024 and 18.09.2024, respectively. He has submitted that the petitioner is behind bars since 18.08.2024 and she having no criminal antecedents, deserves to be granted bail.

4. *Per contra*, learned counsel for the State has vehemently opposed the submissions made by learned counsel for the petitioner. He has submitted that the investigation is at the initial stage and there are specific allegations made against the petitioner of firing at the deceased Sukhpal Kaur. He has submitted that the allegations are specific and the gravity of offence is serious. Hence granting bail to the petitioner at this stage would adversely effect the case of prosecution and thus the present petition deserves to be dismissed.

5. Heard.

6. After hearing learned counsel for the parties and perusing the record, it is apparent that the present FIR was lodged on the basis of statement of injured Sukhpal Kaur. As per the allegations, the petitioner had allegedly fired a shot with .12 bore revolver at Sukhpal Kaur. Injured Sukhpal Kaur was shifted to Civil Hospital Talwandi Sabo from where she was referred to AIIMS Hospital Bathinda, however she ultimately succumbed to the injuries.

7. Keeping in view of the facts and circumstances of the case where the petitioner had allegedly took active part in the incident and fired



at Sukhpal Kaur, who later on succumbed to her injuries and the investigation being at the initial stage, granting of regular bail to the petitioner would definitely cause prejudice to the prosecution case, which is at the initial stage of investigation. Thus finding no merit in the present petition, the same is hereby dismissed. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

22.10.2024
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Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No