



CRM-M-56392-2023
(211-b)

::1::

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Date of decision: 27.05.2024

(1) CRM-M-56392-2023 (O & M)

Kulveer Kaur @ Kulvir Kaur and ors. Petitioners
V/s

State of Punjab ...Respondent

(2) CRM-M-39214-2023 (O & M)

Jaspal Petitioner
V/s

State of Punjab ...Respondent

CORAM: HON’BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. R.S. Bajaj, Advocate, with
Mr. Sachin Kalia, Advocate,
for the petitioners in both the cases.

Mr. Harkanwar Jeet Singh, AAG, Punjab.

Mr. Sandeep Arora, Advocate
for the complainant.

JASJIT SINGH BEDI, J. (Oral)

This order shall dispose of two criminal miscellaneous petitions

i.e. CRM-M-56392-2023 and CRM-M-39214-2023 as they arise out of the

same FIR.



CRM-M-56392-2023
(211-b)

::2::

2. The petitioners-Kulveer Kaur @ Kulvir Kaur, Kulwinder Kaur @ Komal, Bhupinder Kaur @ Joti and Navjot Kumar (in CRM-M-56392-2023) and the petitioner-Jaspal (in CRM-M-39214-2023) seek the grant of regular bail under Section 439 Cr.P.C. in case bearing FIR No.98 dated 24.09.2021 under Sections 302, 307, 323, 324, 341, 506, 201, 148, 149 and 120-B IPC registered at Police Station Satnampura Phagwara, District Kapurthala.

3. For the sake of convenience, the facts are being taken from the petition bearing No. CRM-M-56392-2023.

4. The present FIR came to be registered at the instance of Avtar Singh son of Gurdev Singh and reads as under:-

“Statement of Avtar Singh son of Gurdev Singh, resident of Village Gandhwan, Police Station Satnampura, Phagwara, District Kapurthala, aged about 48 years, Phone Number: 84378-41301. Stated that I am a resident of the aforesaid address and doing the agriculture work. On dated 23.09.2021, in the evening time, I and Bashambar Lal son of Bhagat Ram, resident of were coming from Village Gandhwan Nanak Nagri to our village Gandhwan on a Motor Cycle, because it was the birthday of grandson ('Dohta' daughter's son) and when we were coming back, then we were apprehending that somebody is following us. About 200-250 yards behind the same village, when we reached near Rane Deh Khooh, then Ravi son of Jaspal armed with Ice Poker ('Sua'), Lakhveer son of Harbans, resident of Chak Guru, armed with Sword ('Kirpan'), Veeru son of Anant Ram, resident of Hardaspur armed with 'Datar'(falciform kitchen implement for cutting vegetables),

CRM-M-56392-2023
(211-b)

2024:PHHC:075269



::3::

Dilbagh son of Jaspal armed with Ice Poker (Sua), Navjot son of Dilbagh armed with iron Rod, Sonia wife of Lakhveer armed with 'Kirch' (Straight Sword), Komal wife of Ravi, armed with Datar' (falciform kitchen implement for cutting vegetables), Lakhveer Jhalli son of Bhajan resident of Gandhwan, Joti daughter of Dilbagh all of a sudden, came in front of us and they forcibly stopped our Motor Cycle and started saying that whether you will withdraw the case or not. In the meantime, Kulveer Kaur wife of Dilbagh, who was standing behind, raised an exhortation ('Lalkara') that these dogs will not withdraw the case, only after killing them, the root of the case will end. By saying so, all of them, with an intention to kill us, attacked us. Dilbagh gave a blow to me with Poker, which hit on the right side of my forehead. Bashambar tried to get me released from them, then Ravi gave a blow of Poker to Bashambar, which hit on the right side of his nose, Lakha gave a sword blow upon me, which hit on the right side of my forehead, Veeru gave a 'Datar' blow upon me, which hit on the right side of my forehead and myself and Bashambar started raising he noise of "Save us, Save us", but the attackers included many persons and ladies and we could not save ourselves from them. Lakhveer hit Bashambar with his Poker on his right eye. Navjot hit me with iron rod on backside of my head. Jasveer hit Bashambar with Datar above the right eye. Thereafter Lakhveer gave a Poker blow to Bashambar, which hit on the left side of his neck and Sonia gave a 'Kirch' (Straight sword) blow upon Bashambar, which hit on the back of his right hand and Bashambar fell on the earth, then Komal gave a "Datar' blow upon him, which hit on the right side of his belly, while Bashambar was lying down, then Lakhveer Jhalla and Joti gave kick blows to him and I was also lied down on the road by them

CRM-M-56392-2023
(211-b)

2024:PHHC:075269



::4::

and both of them gave me legs and kicks blows, due to which I suffered many secret injuries. All of them, in connivance with each other have attacked us and they continued giving beatings to us and they were saying to each other that if they went away spared today, then we are not the children of human beings, both of them are to be eliminated today. On hearing our noise, the residents of the village came running and on seeing the people coming at the spot, all of them went away from the spot along with their respective weapons. Both of us suffered excessive injuries and Bal Bahadar son of Sukhdeep Singh, resident of Village Gandhwan, after arranging the vehicle, brought us to Civil Hospital, Phagwara, but due to our serious condition, the Doctor Sahib after our medical examination, referred us for treatment to Jalandhar. That Bal Bahadur took us to NHS Hospital, Jalandhar for treatment and got us admitted there, where I am under treatment and Bashambar had died during treatment. Bashambar had died due to the injuries caused by these persons with an intention to murder him. Appropriate legal action may be taken against all of them. Statement has been got recorded, heard, the same is correct. Sd/- Avtar Singh”.

5. The learned counsel for the petitioners right at the very outset submits that he wishes to withdraw the petition (CRM-M-56392-2023) qua petitioner No.2-Kulwinder Kaur @ Komal wife of Ravi Kumar.

6. Ordered accordingly.

7. The learned counsel for the petitioners contends that Jaspal (petitioner in CRM-M-39214-2023) son of Jeeta @ Jeet Ram had not been

attributed any injury and is stated to be a conspirator. Petitioner



CRM-M-56392-2023
(211-b)

::5::

No.1/Kulveer Kaur @ Kulvir Kaur wife of Dilbagh Raj had only been attributed a *lalkara*. Petitioner No.3-Bhupinder Kaur @ Joti was stated to have given kick and fist blows to the deceased whereas petitioner No.4-Navjot Kumar had been attributed an iron rod blow on the backside of the head of the complainant which was a simple injury. As the petitioners were in custody since 25.06.2022 and it would be a moot point during the course of Trial as to the applicability of Section 149 IPC, they were entitled to the concession of bail, moreso, when only 02 of the 28 prosecution witnesses had been examined so far and the Trial was not likely to be concluded anytime soon.

8. The learned counsel for the State, on the other hand, contends that Jaspal son of Jeeta @ Jeet Ram was the main conspirator. Kulveer Kaur @ Kulvir Kaur had raised a *lalkara* and had asked the others to commit the offence in question. Bhupinder Kaur @ Joti had given blows on the deceased whereas Navjot Kumar son of Dilbagh Raj had been attributed injuries on the person of the complainant. As specific injuries/roles had been attributed to the petitioners, they were not entitled to the concession of bail. He, however, concedes that each of the accused/petitioners were in custody since 25.06.2022 and that only 02 of the 28 prosecution witnesses had been examined so far.

9. The learned counsel for the complainant, on the other hand, contends that the complainant party had got registered an FIR against the present accused party earlier as well. In fact, a few days prior to the present



CRM-M-56392-2023
(211-b)

::6::

occurrence, the accused party had attacked the complainant side for which yet another complaint had been filed by the complainant party. Thus, it was apparent that the intention of all the accused was to commit the murder of the deceased. Therefore, the petitioners were not entitled to the concession of bail.

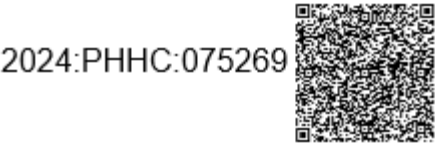
10. I have heard the learned counsel for the parties.

11. Admittedly, the petitioner-Jaspal Singh (in CRM-39214-2023) has not been attributed any injury on the person of the deceased and his alleged role is that of a conspirator. The petitioners No.1, 3 and 4 in CRM-M-56392-2023, namely, Kulveer Kaur @ Kulvir Kaur has been attributed a *lalkara*, Bhupinder Kaur @ Joti is stated to have given kick and fist blows to the deceased while he was lying on the ground alongwith another co-accused and Navjot Kumar has been attributed a simple injury on the person of the complainant but not on the deceased. Keeping in view the role played by each of the accused-petitioners, it would be a moot point during the course of Trial as to their culpability with the aid of Section 149 IPC & Section 120-B IPC. They are all stated to be in custody since 25.06.2022 but only 02 of the 28 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. In this situation, their further incarceration is not required.

12. Thus, without commenting upon the merits of the case, the present petitions are allowed and the petitioners No.1, 3 and 4, namely,

Kulveer Kaur @ Kulvir Kaur, Bhupinder Kaur @ Joti and Navjot Kumar

CRM-M-56392-2023
(211-b)



::7::

(in CRM-M-56392-2023) and Jaspal (petitioner in CRM-M-39214-2023) are ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

13. In addition, the petitioners (or anyone on their behalf) shall prepare an FDR in the sum of Rs.50,000/- each and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioners from Trial without sufficient cause.

14. These petitions stand disposed of.

May 27, 2024
sukhpreet

(JASJIT SINGH BEDI)
JUDGE

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