

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

114 CRM-M-56793-2023
Date of Decision : March 21, 2024

VARKHA RANI -PETITIONER

V/S

STATE OF PUNJAB -RESPONDENT

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Puneet Kumar Bansal, Advocate
for the petitioner.

Mr. Pardeep Bajaj, D.A.G., Punjab.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant petition, the petitioner, who is aged about 26 years and is a mother of two minor children, craves for indulgence of this Court for her being enlarged on regular bail, in case FIR No.207 dated 20.09.2021, under Section(s) 302, 34 of the IPC, registered at P.S. City Jalalabad, District Fazilka.
2. The allegations, as levelled in the present FIR, are that, on 19.09.2021, the petitioner and her co-accused Simran inflicted injuries upon complainant's mother Raj Kaur with wooden sticks.
3. What further transpires from the present FIR, is that, co-accused Gurwinder Singh @ Gindri climbed upstairs and threw brickbats, which hit on the head of complainant's mother Raj Kaur. Owing to this assault, the demise of complainant's mother occurred at G.G.S. Medical College and Hospital, Faridkot.
4. The learned counsel for the petitioner submits that the petitioner

has been falsely implicated in the present FIR, whereas, she did not cause any injury to the deceased Raj Kaur. The innocence of the petitioner gains vigor from the post-mortem report of deceased Raj Kumar, wherein, it has been disclosed that she had suffered only one injury on her head, which resulted in her demise. Therefore, when in the present FIR, the said fatal injury has been attributed to co-accused Gurwinder Singh @ Gindri, there occurs no occasion for the prosecution to hold the petitioner guilty for demise of the deceased Raj Kaur.

5. The learned counsel for the petitioner further submits that since there is no likelihood of the trial concluding anytime soon, inasmuch as, only 15 prosecution witnesses, out of total 23 witnesses, have been examined so far, therefore, keeping the petitioner behind the bars, who has clean past antecedents and who has been languishing therein for past approx. 11½ months, would serve no fruitful purpose. Lastly, he submits that since the petitioner's co-accused Simran Kaur @ Seema Rani has already been granted the relief of regular bail by a Co-ordinate Bench of this Court, vide order dated 13.09.2022, drawn upon CRM-M-17965-2022, therefore, the petitioner also deserves her being granted an alike relief, as she is on a co-equal pedestal to that of co-accused (supra).

6. The learned State counsel has filed reply on affidavit of Achhru Ram Sharma, PPS, Deputy Superintendent of Police, Sub Division, Jalalabad, and, has also filed the custody certificate of the petitioner, which are taken on record. A perusal of the custody certificate (supra) reveals that the petitioner has undergone incarceration of approx. 11½ months. It further reveals that the petitioner is not involved in any other criminal case.

7. Moreover, the learned State counsel has, on instruction imparted to him by A.S.I. Jarnail Chand, verified that only 15 prosecution witnesses, out of total 23 witnesses, have been examined so far.

8. This Court has heard the learned counsels for the parties and perused the entire record available before this Court.

9. Considering the hereinabove made submissions, especially the fact that (i) the petitioner is on a co-equal pedestal to that of co-accused Simran Kaur @ Seema Rani, who has already been enlarged on bail by a Co-ordinate Bench of this Court; (ii) the petitioner is not involved in any other criminal case; (iii) since the trial is not likely to conclude anytime soon, therefore, no gainful purpose would be served by keeping the petitioner behind the bars, who has been there for past approx. 11½ months; this Court deems it appropriate to grant the concession of regular bail to the petitioner. Therefore, without commenting upon the merits and circumstances of the present case, the present petition is **allowed**. The petitioner is ordered to be released on bail on furnishing of bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

10. 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.

March 21, 2024
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(KULDEEP TIWARI)
JUDGE

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