

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

2024.PHHC.161056



CRM-M No. 60460 of 2024 (O&M)

Date of Decision: 03.12.2024

Kirpal Singh and another
versus

.....Petitioners

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE

Present : Mr. Jagdish Singh Mahal, Advocate, for the petitioner.
Mr. Shekhar Verma, Addl. Advocate General, Punjab.

SHEEL NAGU, CHIEF JUSTICE (Oral)

The petitioners, who are two in number, aged about 41 years and 39 years, apprehend their arrest in respect of offences of attempt to murder alongwith extortion arising out of an incident where one of the accused had fired gun shot causing injury on the thigh of victim-injured and in this regard FIR No. 136 dated 23.10.2024 under Sections 109, 111, 308(4) of the Bharatiya Nyaya Sanhita-2023 (Sections 111(5) and 112 of BNS added later on) and Section 25 of the Arms Act, registered at Police Station Dera Baba Nanak, Police District Batala, District Gurdaspur.

2. Test identification parade for identifying the true assailants has not yet been conducted and therefore, it could be appropriate if the bail application is considered after test identification parade. However, since petitioner No.2-Kulwinder Kaur is a woman, aged about 39 years, and there are no criminal antecedents and she may not be able to bear the rigorous of incarceration, this Court extends the benefit of anticipatory bail

to petitioner No.2-Kulwinder Kaur only subject to her furnishing personal bonds for a sum of Rs.50,000/- with two sureties of the like amount each to the satisfaction of Arresting/Investigating Officer. However, the petitioner No.2-Kulwinder Kaur shall join investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023. In case petitioner No.2-Kulwinder Kaur does not join the investigation, the State is free to move an application for cancellation of her bail.

4. This order shall also remain subject to the following condition:-

- i) The petitioner No.2 shall plant 10 saplings of indigenous plants at a public place and submit proof in that regard by way of photographs before the concerned Police Station where the FIR has been registered within a period of 15 days and if there is no such intimation submitted or intimation is found to be incorrect, then the State can move an application for cancellation of her bail.

5. The petition stands allowed with regard to petitioner No.2-Kulwinder Kaur.

6. As regards the bail application with regard to petitioner No.1-Kirpal Singh is concerned, the same stands dismissed.

7. Disposed of.

(SHEEL NAGU)
CHIEF JUSTICE

03.12.2024

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Whetherspeaking/reasoned	√Yes/No
Whetherreportable	Yes/No√