

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

CRM-M-62547-2024
Date of Decision: 13.12.2024

Daljit Kaur alias Aman Kaur		...Petitioner
	vs.	
State of Punjab		...Respondent

Coram : Hon’ble Mr. Justice N.S.Shekhawat

Present : Mr. Amit Arora, Advocate
 for the petitioner.

Mr. Deepinder Singh Brar, Senior DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, with a prayer to grant anticipatory bail to her in case FIR No.0043 dated 25.10.2024 registered under Sections 105, 3(5) of BNS, 2023 (offence under Section 103(1) BNS 2023 added later on), at Police Station Kacha Pacca, District Tarn Taran.
2. The FIR in the present case was registered on the basis of the statement made by Kulwant Kaur wife of Charan Singh and the same has been reproduced below:-

“Statement of Kulwant Kaur wife of Charan Singh resident of village Margindpura Police Station KachaPacca aged about 40 years Mobile No.62803-72002. It is stated that I am resident of above-mentioned address and used to do household work. I am having three sons eldest Gurjant Singh, younger to him is Jagtar Singh and youngest is Mahabir Singh and I am having two daughters Rajbir Kaur and Rani. My youngest son Mahabir

Singh is still unmarried and all other children are married. That near to our house the shamlat land of the village is situated where since long we used to put cow dungs and our neighbourer Buta Singh son of Kundan Singh resident of village Margindpura also used to put cow dungs at the said place and they used to stop us from putting cow dungs at the said place. Today at about 02:00 pm, I have gone to put cow dungs at such shamlat land and there Buta Singh son of Kundan Singh, Harman Kaur wife of Buta Singh and Aman Kaur wife of Sewak Singh residents of village Margindpura were already present and they stopped me from putting cow dungs at the said place and due to the said reason we had altercation with each other and all of them started scuffling with me and at the said time my husband Charan Singh who was present in the house on hearing our loud noises also came at the shamlat land in order to save me and started saving me from the aforesaid accused persons and then all the three accused persons started scuffling with my husband Charan Singh and he fell down and while he was lying down all three of them kept on giving fist blows upon my husband and also gave kick blows upon him. During this scuffle, my husband received injury on his genitals and we raised hue and cry and all the aforesaid accused persons ran away from the spot. Thereafter, we after arranging the vehicle took my husband to Anand Hospital, Bhikhiwind where doctor after checking my husband outside the hospital itself declared my husband Charan Singh to be brought dead and thereafter, we brought the dead body of my husband Charan Singh to Civil Hospital, Patti. That I after leaving my son Mahabir Singh alongside the dead body of my husband Charan Singh have come to the Police Station for recording of my statement along with my son Jagtar Singh. The reason behind the incident is that Buta Singh and others used to stop us from putting cow dungs at the shamlat land. That I have got recorded my statement which has been read over and same is admitted to be true. RTI Kulwant Kaur verified by/- Jagtar Singh, Jagtar Singh son of Charan Singh

resident of village Margindpura attested by Sd./- Jaspal Singh SI SHO KachaPacca dated 25.10.2024.”

3. Learned counsel for the petitioner contends that even though the petitioner has been specifically named in the FIR, still no overt act has been attributed to the petitioner in the present case. It has been generally alleged that all the accused gave fist and kick blows on the deceased. Learned counsel further contends that the element of *mens rea* on the part of the petitioner is missing in the present case and there was no motive to commit the crime. He further contends that no offence under Sections 105 and 103 of BNS is made out against the petitioner.

4. On advance notice, learned State counsel has appeared and opposed the submissions made by learned counsel for the petitioner. He vehemently argued that the present petitioner alongwith her co-accused had attacked Charan Singh, husband of the complainant and caused injuries to him. Due to the injuries suffered by him, Charan Singh had died.

5. I have heard learned counsel for the parties and perused the record.

6. From a perusal of the FIR, it is apparent that the petitioner has been specifically named as one of the accused in the present case, who caused injuries on the person of Charan Singh and ultimately Charan Singh succumbed to the injuries.

7. Keeping in view the gravity of the matter, the petitioner is not entitled to concession of anticipatory bail and the present petition is dismissed.

(N.S.SHEKHAWAT)
JUDGE

13.12.2024.
hemlata

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