



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

CRM-M-512-2025

Date of Decision: 15.01.2025

Karamjeet Kaur

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Manjit Singh Uppal, Advocate for the petitioner.

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

Rajesh Bhardwaj, J. (ORAL)

1. Petitioner has approached this Court by way of present petition praying for granting her regular bail in case FIR No.78 dated 30.06.2024 under Sections 302/307/323/34 IPC (Section 302 IPC added lateron) registered at Police Station Boha, District Mansa.

2. Succinctly, facts of the case are that the FIR was registered on the statement of the complainant, namely, Jaswinder Kaur wife of Balraj Singh. It was alleged that on 29.06.2024, there was a dispute among the brothers on sharing of tubewell water. As per the understanding in the family, both the brothers i.e. husband of the complainant and her brother-in-law, were to share tubewell water for every two days. On 29.06.2024, it was the turn of complainant side and hence, her husband went to motor, however, a dispute arose between her husband and her father-in-law, her brother-in-law and his wife Karamjeet Kaur (petitioner). The complainant heard the noise and found her husband Balraj Singh was being beaten by her father-in-law and brother-in-law, whereas, the petitioner was empty handed and she was exhorting them to beat him. Her husband was given *Kahi* blow (spade) on his head by her brother-in-law Rachhpal Singh. He was shifted to Rajindra Hospital, Patiala, however, he succumbed to the injuries. Request



was made to take legal action against the culprits. On registration of the FIR, the investigation commenced. Challan was presented and charges were framed. The petitioner was arrested on 13.07.2024. The petitioner approached the Court of learned Sessions Judge, Mansa praying for grant of regular bail. However, after hearing both the sides, the learned Court finding no merit in the same, dismissed the bail application filed by the petitioner vide order dated 22.11.2024. Hence, the petitioner approached this Court praying for grant of bail.

3. It has been vehemently contended by counsel for the petitioner that petitioner has been falsely and frivolously implicated in this case. He submits that from the bare reading of the allegations made in the FIR, it is apparent that it was a dispute in the family on account of sharing of tubewell water. It is submitted that the petitioner is the sister-in-law of the deceased, who was not even present at the time of occurrence. He submits that as per the case of the prosecution she was empty handed and only alleged role attributed to her that she exhorted her husband and father-in-law to beat her brother-in-law. He submits that as the petitioner committed no overt act and she has no criminal antecedents, she deserves to be granted bail.

4. Learned State counsel has opposed the submissions made by counsel for the petitioner. He submits that the petitioner has played an active role in the incident and she is the wife of the main accused Rachhpal Singh, who gave fatal blow to the deceased. It is submitted that the investigation is complete and challan is presented and charges are framed, however, no witnesses has been examined till date. He has produced the custody certificate of the petitioner.



5. After hearing counsel for the parties and perusing the record, it is deciphered that the occurrence in the present case had taken place on 29.06.2024, whereas, the petitioner was arrested on 13.07.2024. The dispute is within the family. As per the allegations made in the FIR, the petitioner was empty handed and she had allegedly given a *lalkara*. The investigation already stands complete and charges are framed. Perusal of the custody certificate shows that the petitioner is behind bars from the last six months and the petitioner has no criminal antecedents.

6. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficient long time. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner.

7. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on her furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

8. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

15.01.2025
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Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No