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

CRM-M-46881-2024**Date of Decision:07.05.2025**

Seema

...Petitioner

vs.

State of Punjab

...Respondent

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

Present : Mr. Savinder Singh, Advocate for
Mr. B.S.Bhalla, Advocate
for the petitioner.

Mr. I.P.S. Sabharwal, DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant regular bail to her in case FIR No.107 dated 11.07.2024 registered under Sections 103, 191(3), 190 and 61(2) of BNSS, at Police Station City South, District Moga.
2. The FIR in the present case was registered on the basis of the statement made by Surjit Singh son of Mahinder Singh and the same has been reproduced below:-

“I, Surjit Singh, son of Mahinder Singh, son of Gajjan Singh, resident of Ward No.35, House No. 373, Hakim Ka Agwar, Moga, aged 56 years, working in Tent House, hereby state that: I live at the mentioned address and run a shop for Tent House materials near the Gurudwara Chhevin Patshahi, Bookanwala Road, Moga. I have three sons and one daughter. My eldest son is still unmarried whose name is Ajay kumar, younger to him is Baljinder Singh, and

the youngest is Harvinder Singh, also known as Hindri, residing in DGP Wali Gali, where he used to work in a saloon which was taken on rent. On the 11th of July, 2024, at around 9:00 PM, while I was going towards the shop, I noticed my son Harvinder Singh and Mani Singh son of satpal singh conversing with Gagan Bhullar, son of not known, resident of Mohalla Lahoriya, who was armed with a pipe. At that moment, Sandeep Singh, also known as Gurnoor son of Sukhdev Singh, came on motor cycle, followed by Daman Chopra, also known as Mani, son of Pradeep Chopra, and Amanjot also known as Lov son of Harnek Singh, residing in Mussalla Kirch, Moga at Pahara chowk, Moga. Sandeep Singh, also known as Gurnoor, stopped the motorcycle and asked to catch us. My son Harvinder Singh and Mani Singh tried to flee, and we also ran after them. They entered into Mehrian wali gali, and there, Daman Chopra, also known as Mani, attacked my son Harvinder Singh with khanda, hitting him on the left side of his head and my son fell to the ground, and Gagan Bhullar attacked him with a metal pipe on his left arm and jaw, while Amanjot, also known as Lov, struck him with a krich on his right and left legs. Sandeep Singh, also known as Gurnoor, kicked my son, and Gagan Bhullar continued to give him pipe blows on his body. When Mani Singh and I tried to intervene, the attackers fled on their motorcycles with their weapons. Mani Singh, my nephew Ramesh Kumar, and I managed to arrange transport and took my son Harvinder Singh to Civil Hospital, Moga. Due to the severity of his injuries, the doctor referred him to Medi city Hospital, Moga. Unfortunately, while on the way, Mani Singh informed us that Pankaj Chopra and his wife Seema Chopra had been keeping eye on our shop during the day. When we were closing the shop, Pankaj Chopra and Seema were seen standing at a distance, observing us. At Medicity Hospital, Moga, my son Harvinder Singh was declared dead due to his injuries. The motive

behind the attack appears to be a previous dispute between my son and Pankaj Chopra. Pankaj Chopra and Seema Chopra have been keeping eye on our shop and, in conspiracy with the aforementioned attackers, killed my son. I request that legal action be taken against those responsible. I, along with Mani Singh, came to report this incident and provided my statement at Dev Hotel, Main Bazaar. I confirm that the statement has been read and understood correctly. Surjit Singh Sd/- Mani Singh. ”

3. Learned counsel for the petitioner contends that as per the allegations levelled by the complainant, the petitioner along with her husband had conducted a recce and on the basis of the information supplied by them, the other co-accused had acted and committed the murder of Harvinder Singh, due to previous enmity between the parties. Learned counsel further submits that in fact, the petitioner was not present at the place of occurrence and the allegations were primarily levelled against Dhaman Chopra, Gagan Bhullar, Amanjot and Sandeep Singh, who had allegedly inflicted injuries on the son of the complainant. He further contends that the petitioner was arrested in the present case on 11.07.2024 and is in custody for the last about 09 months. Admittedly, the petitioner had not caused any injury to the deceased and her case is clearly distinguishable from the other accused. Even otherwise, the petitioner is a lady and is having minor children. Thus, her case deserves sympathetic consideration by this Court.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner and her husband, namely, Pankaj Kumar had informed the other

co-accused, who reached at the spot and committed the murder of Harvinder Singh.

5. Having heard learned counsel for the parties and perusing the record, this Court is of the opinion that the present petition deserves to be allowed by this Court. The only role assigned to the petitioner is that she had conducted a recce of the deceased and no other role has been attributed to her. She is stated to be in custody since 11.07.2024 and the trial is not likely to conclude in near future.

6. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to her furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

07.05.2025
hemlata

(N.S.SHEKHAWAT)
JUDGE

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