

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

278

CRM-M-52919-2024

Date of decision: 7th February, 2025

Kiran Devi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

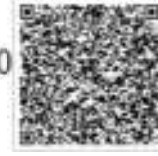
Present: Ms. Shivani Jaglan, Advocate for the petitioner.

Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.

MANISHA BATRA, J (ORAL):-

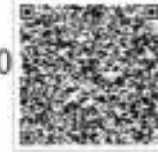
The present petition has been by the petitioner seeking grant of regular bail in case bearing FIR No. 185 dated 20.09.2022 registered under Sections 302 and 323 read with Section 34 of IPC at Police Station Sadar, Ludhiana.

2. As per the allegations, the aforementioned FIR had been registered on the basis of complaint lodged by the complainant Rubina alleging therein that on intervening night of 16/17.09.2022, she along with her husband was sleeping in the balcony of the premises, wherein they had been residing. The accused Gopi Chand, Safiq Ansari and the present petitioner who is wife of Safiq Ansari, were also living in the same building. Gopi Chand opened an assault upon her husband by striking a blow with a hammer on his head. Her husband cried out of pain. Then the present petitioner armed with a stick and co-accused Ahmed Ansari carrying a



hammer, also reached there. Accused Ahmed Ansari struck blows with weapons on the left leg of her husband. The petitioner gave a *danda* blow on his right hand. Accused Gopi chand struck several blows with hammer on her husband and the petitioner also assaulted the complainant. The clamour raised by them attracted the mother and brother of the complainant who rushed for their rescue, but the petitioner also caused injuries to her mother. Even brother of the complainant was beaten up. The assailants also extended threats to kill them. The husband and mother of the complainant were taken to hospital. Because of shortage of money, they were brought back home. They were taken to Civil Hospital, Ludhiana on 19.09.2022. Both the victims succumbed to their injuries and died on 20.09.2022. After registration of FIR, investigation proceedings were initiated. The petitioner was arrested on 21.09.2022. The co-accused were also arrested. All of them are facing trial for commission of aforementioned offences.

3. The present petition has been filed by the petitioner on the grounds and it is argued by her counsel that she has been falsely implicated in this case. There is inordinate and unexplained delay in lodging of FIR, which casts a doubt over the truthfulness of the entire prosecution story. Injuries only on non-vital part of bodies of the victims have been attributed to the petitioner and these injuries could not be fatal. The injuries which were opined to be fatal have been attributed to co-accused Gopi Chand and Ahmad Ansari and not to the present petitioner. She was pregnant at the time of occurrence. She is in custody since long. Trial is likely to take time as several witnesses are yet to be examined. At the most, offences under Section 323 of IPC is attracted against her. She has given birth to a child



while being in custody and development of her child is also being affected due to her remaining in custody. Therefore, it is urged that she deserves to be released on bail.

4. *Per contra*, learned Assistant Advocate General, Punjab has argued that there are serious and specific allegations against the petitioner, who in furtherance of common intention with the remaining assailants had opened an assault upon the victims and had caused injuries to them with intention to kill them. The injuries so sustained had proved fatal. The victims could not be treated at the first instance due to their poor financial condition. The death of the victims had occurred due to the injuries sustained by them and not due to any other reason. The trial is going on at a proper pace. There are chances of petitioner's absconding or intimidating the witnesses, if extended benefit of bail. Therefore, it is urged that the petition does not deserve to be allowed.

5. I have heard learned counsel for the parties at considerable length and have gone through the record carefully.

6. The petitioner in furtherance of common intention with the co-accused is alleged to have firstly opened an assault upon the victim Ravi Shah and then upon Noor Jahan. The victims had died as an impact of injuries sustained by them on the fateful night. The complicity of the petitioner in commission of the subject offences is *prima facie* established. Rather she is shown to have actively participated in the occurrence. Keeping in view the gravity of the allegations levelled against the petitioner, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case but without meaning to make any comment on



the merits thereof, I am of the considered opinion that the petition does not deserve to be allowed. Hence, the same is dismissed.

7. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

7th February, 2025
Parveen Sharma
1. Whether speaking/ reasoned
2. Whether reportable

: Yes / No
: Yes / No