

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-57655-2024
Reserved on: 13.01.2025
Pronounced on: 30.01.2025

Jaswinder Kaur ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. A.S. Manaise, Advocate
for the petitioner.

Mr. Jasjit Singh, D.A.G., Punjab.

Mr. V.K. Kaushal, Advocate
for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
119	06.09.2023	Sri Hargobindpur, Police District Batala	302, 452, 34 IPC

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.
2. In paragraph 18 of the bail petition, the accused declares that she has no criminal antecedents.
3. The facts and allegations are being taken from the short reply filed by the State, which reads as follows:-

“4. That, it is humbly submitted that the brief facts of the case are that the present case/FIR was registered on the basis of a statement made by Simranjit Kaur, who is the daughter of deceased Satnam Singh. As per her version, in the morning of 05.09.2023 an altercation took place between her father Satnam Singh and accused Harjit Singh son of Balkar Singh and Balkar Singh son of Pritam Singh in connection with laying of floor by Satnam Singh in front of his shops. After the altercation, Satnam Singh came back to his house. After a short while, Harjit Sigh son of Balkar Singh armed with iron sabal. Balkar Singh son of Pritam Singh armed

with spade, accused Jaswinder Kaur carrying a brick bat and Palwinder Singh son of Balkar Singh empty handed came to the house of the deceased. Palwinder Singh had exhorted the other accused to catch him and teach him a lesson for laying the pakka floor (permanent concrete floor) in front of his shops. Harjit Singh gave a blow with his iron sabal on the right arm of Satnam Singh. Balkar Singh gave a blow with the reverse side of the spade on the left thumb of Satnam Singh. Accused Jaswinder Kaur allegedly threw a brick bat and the same hit on the head of Satnam Singh.”

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State's counsel opposes bail and refers to the short reply.

6. It would be appropriate to refer to the following portions of the short reply, which read as follows:

“A. The Role of the petitioner

7. That, it is humbly submitted that the allegations against the accused are quite serious. At the time of occurrence, the accused Palwinder Singh son of Balkar Singh empty handed came to the house of the deceased. He had exhorted the other accused to catch him and teach him a lesson for laying the pucca floor in front of his shops. Harjit Singh gave a blow with his iron sabal on the right arm of Satnam Singh. Balkar Singh gave a blow with the reverse side of the spade on the left thumb of Satnam Singh. Accused Jaswinder Kaur allegedly threw a brick bat and the same hit on the head of Satnam Singh. The functioning of the brain of the deceased failed due to the injury on his head.

B. The evidence against the petitioner

The statement of the complainant of the case got recorded at the time of registration of the case.”

7. Counsel for the petitioner submits that even as per prosecution case, allegations against the petitioner are that she threw a stone at the victim which unfortunately hit his head which led to his death. Even the victim had made a complaint in aforesaid facts vide Annexure P-2. Further, medical evidence is not corroborated by ocular version, thus petitioner is entitled to bail. It shall be appropriate to refer to para no.15 of the bail petition which reads as follows:-

“15. That the petitioner filed CRM-M-12868 of 2024 before this Hon'ble Court seeking anticipatory bail, wherein State had filed its reply Annexure P-5 dated 03.04.2024 and the bail was allowed vide order dated 10.05.2024 Annexure P-6. However, there had occurred an unintentional typographical error in the translation of FIR, although the particulars given in the petition were correct. On account of this, the anticipatory bail of the petitioner was later

cancelled vide order dated 11.11.2024 Annexure P-7 passed by this Hon'ble Court with liberty to the petitioner to file a fresh petition with better particulars. Consequently, the present petition for anticipatory bail has been filed with better particulars."

8. Earlier this Court had granted anticipatory bail to the petitioner vide order dated 10.05.2024 passed in CRM-M No.12868 of 2024. After that, complainant had filed an application for cancellation of bail on the ground that intentionally incorrect translation of FIR has been annexed which led to the Court assuming that the injury was on the hand and not head. As per counsel for the complainant, the translation was intentionally done to show head as hand and led this Court to the conclusion that since the injury was received on hand, it would not show intention and consequently, this Court had granted bail, however when cancellation of bail was filed, petitioner took a stand of unintentional typographical error and accordingly vide Annexure P-7, this Court cancelled the bail by passing the following order:-

<i>FIR No.</i>	<i>Dated</i>	<i>Police Station</i>	<i>Sections</i>
<i>119</i>	<i>06.09.2023</i>	<i>Sri Hargobindpur, Distt. Batala</i>	<i>302, 452, 34 IPC</i>

1. Petitioner has come before this Court under Section 439(2) Cr.P.C for cancellation of anticipatory bail granted by this Court to respondent no.2 vide order dated 10.5.2024 (Annexure P-2).

2. The petitioner is aggrieved by granting of bail to respondent no.2 on the ground that the injuries were inflicted on the head but in the translated copies of the FIR, the words are mentioned as 'hand' and petitioner misled the Court by making wrong translation of the FIR.

3. Counsel for the State as well as for the accused-respondent no.2 do not dispute this translation mistake. Counsel for the accused submits that he will have no objection if the bail is cancelled but liberty should be granted to him to file a fresh bail petition so that he is able to put his case again on its merits. He further submits that mistake is inadvertent.

4. In view of the above, present petition is allowed. Bail granted to the accused vide order dated 10.05.2024 (Annexure P-2) in CRM-M-12868-2024 is cancelled. Liberty is reserved to the accused-respondent no.2 to file a fresh petition.

It is clarified that filing of previous bail application and the order shall not come in the way of the accused if fresh bail petition is filed and this Court shall take the same on its own merit. All pending applications if any stand disposed of."

9. After that, the petitioner has again come up before this Court seeking anticipatory bail.

10. I have heard counsel for the petitioner and have gone through the record and its analysis would lead to the following outcome.

11. Reference to the reply clearly mentions that the petitioner was carrying a brick bat whereas Palwinder Singh was empty handed. The injury attributed to the petitioner is that she threw a brick bat on the head of Satnam Singh and he died on the same date.

12. A perusal of the bail petition and the documents attached prima facie points towards the petitioner's involvement and does not make out a case for anticipatory bail. The impact of crime would also not justify anticipatory bail. Any further discussions will likely prejudice the petitioner; this court refrains from doing so.

13. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

14. **Petition dismissed.** All pending applications, if any, are disposed of.

(ANOOP CHITKARA)
JUDGE

30.01.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.