

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

CRM-M-15205-2020

Date of Decision: 30.06.2020

Ramandeep Kaur

...Petitioner

versus

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice B.S. Walia

Present: Mr. Piyush Sharma, Advocate for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to the outbreak of pandemic Covid-19.

2. Prayer in the petition under Section 439 of Cr.P.C. is for grant of regular bail to the petitioner during the pendency of the trial in case FIR No.80 dated 18.05.2019, under Sections 325, 323, 34 IPC, 1860 with Section 302 IPC having been added subsequently registered at Police Station Dharamkot, District Moga.

3. Learned counsel contends that the petitioner has been falsely implicated simply to rope in all family members of the petitioner as it is the case of the prosecution as per complaint lodged by Mahinder Kaur that she along with her son Jagroop Singh were residing together, that Jagroop Singh was working in Gaushala at Kishapura and house of Jasvir Singh i.e. husband of the petitioner comes before the house

front of house of Jasvir Singh and earlier Jasvir Singh had raised objection to Jagroop Singh passing in front of his house and picked-up altercation but panchayat had effected compromise. Subsequently, during night of 04.05.2019, Jagroop Singh came out in street to go to gaushala for doing his duty but an altercation took place between Jasvir Singh and Jagroop Singh and complainant was following her son. Jasvir Singh, his father Surat Singh and their relatives Aman Singh and Kala Singh came out of their house armed with sticks. Jasvir Singh raised lalkara to teach a lesson to Jagroop Singh for peeping into their house. All of them started beating Jagroop Singh with their respective sticks and gave lot of beating inter alia on his head, left wrist and shoulder. Initially FIR was registered under Sections 325, 323, 34 IPC but on Jagroop Singh being referred to Medical College and Hospital, Faridkot and dying on 24.05.2019 at Guru Gobind Singh Medical College and Hospital, Faridkot, Section 302 IPC was added on the supplementary statement dated 28.05.2019 suffered by complainant Mahinder Kaur that the petitioner being wife of Jasvir Singh, Manjit Kaur, Harpreet Singh @ Happy, Kartar Singh, Jasvir Singh and other persons were also present and had given beatings and had been involved in killing of her son. Learned counsel contends that it is apparent that name of the petitioner has been included simply to rope in all family members for even as per the case of the prosecution, the complainant was following her son and the entire incident took place in front of her eyes but initially complainant did not mention the name of the petitioner and it is only after 14 days and that too after the

death of her son that she gave her supplementary statement implicating

whom she had initially made a statement on 18.05.2019 i.e. much after the incident of 04.05.2019. Besides, despite the police having visited the deceased while he was in hospital and being in fit condition to record a statement he had declined to make a statement.

4. Learned counsel further contends that challan has been filed. Charges have been framed and trial is now fixed for the examination of the prosecution witnesses on 24.07.2020 and that the trial would take considerable period of time, no useful purpose would be served especially in view of the prevailing circumstances on account of the corona virus pandemic, besides, petitioner has been in custody since the past more than one year.

5. Learned DAG, Punjab, fairly concedes that the petitioner was not named in the complaint given on 18.05.2019 by the deceased's mother who was present at the time of incident nor did the deceased make a statement to the police during the intervening date of the incident i.e. 04.05.2019 till his death on 20.05.2019 and the petitioner was implicated solely on the basis of supplementary statement made by the complainant on 28.05.2019 much after the date of occurrence as also the date of initial complaint dated 18.05.2019.

6. Taking into account all aspects of the matter and without commenting upon the merits of the case, the petition for bail is allowed as no useful purpose would be served by keeping the petitioner in custody especially in view of the fact that challan has been filed, charges have been framed and prosecution witnesses are yet to be examined.

Moreover, the petitioner has been in custody since the last more than one

ordered to be released on bail subject to her furnishing bail bonds/surety to the satisfaction of the learned CJM/Trial Court/Duty Magistrate, concerned.

7. However, nothing stated hereinabove would be construed as an expression of opinion on the merits of the case.

(B.S. Walia)
Judge

30.06.2020
'Rajneesh/rajesh

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