

Rajwinder Kaur Vs State of Punjab

Court: High Court Of Punjab And Haryana At Chandigarh

Date of Decision: July 25, 2014

Acts Referred: Penal Code, 1860 (IPC) â€” Section 302, 34, 342, 506

Hon'ble Judges: Mehinder Singh Sullar, J

Bench: Single Bench

Advocate: Tarun Vir Singh Lehal, Advocate for the Appellant; Priyanka Sadar, Assistant Advocate General, Advocate for the Respondent

Judgement

Mehinder Singh Sullar, J.

Petitioner-Rajwinder Kaur @ Raji wife of Balkar Singh @ Raja (deceased), has directed the instant petition for

the grant of regular bail, in a case registered against her along with her other main co-accused, namely, Manjit Singh, Gurpreet Singh and Baljinder

Kaur, vide FIR No. 131 dated 23.05.2013, for the commission of offences punishable under Sections 302, 342, 506 and 34 IPC, by the police

of Police Station City Tarn Taran.

2. Notice of the petition was issued to the State.

3. After hearing the learned counsel for the parties, going through the record with their valuable assistance and after considering the entire matter

deeply, to my mind, the present petition for regular bail deserves to be accepted in this context.

4. Precisely, the prosecution claimed that on 21.05.2013, petitioner-Rajwinder Kaur @ Raji, wife of Balkar Singh (deceased) had gone to her

parental house along with her minor son Lovjeet Singh. Balkar Singh went to her parental house, but she refused to accompany him and he brought

his minor son Lovjeet Singh. On 22.05.2013, Balkar Singh again has gone to the house of his in-laws, where the accused were stated to have tied

him with a pole and caused injuries to him. The only allegation assigned to the present petitioner is that she gave slaps on the face of Balkar Singh,

whereas her other co-accused caused injuries with sticks (dandas). No other specific role or particular injury is attributed to her in the FIR. The

nature and seats of the injuries on the person of deceased, prima facie, could not said to be direct cause of death. Even the cause of death of

Balkar Singh, is not yet known to the prosecution. In that eventuality, whether the petitioner can be held vicariously liable for the commission of

murder of Balkar Singh, inter alia, would be a moot point to be decided during the course of trial by the trial Court.

5. Be that as it may, the petitioner, is a lady and was arrested on 25.05.2013. Since then she is in judicial custody and no useful purpose would be

served to further detain her in jail. There is no history of her previous involvement in any other criminal case. Since, even not a single witness has

yet been examined by the prosecution, so, the final conclusion of trial will naturally take a long time.

6. In the light of aforesaid reasons, taking into consideration the totality of facts and circumstances, emanating from the record, as discussed here-

in-above and without commenting further anything on merits, lest it may prejudice the case of either side during the course of trial, the instant

petition for regular bail is hereby accepted. The petitioner is ordered to be released on bail on her furnishing adequate bail bonds and surety bonds

to the satisfaction of the trial Court.

Needless to mention that, nothing observed here-in-above, would reflect, in any manner, on merits in the trial of the case, as the same has been so

recorded for a limited purpose of deciding the present petition for regular bail.