

(2014) 07 P&H CK 0045

High Court Of Punjab And Haryana At Chandigarh

Case No: CRM No. M-24211 of 2014

Rajwinder Kaur

APPELLANT

Vs

State of Punjab

RESPONDENT

Date of Decision: July 25, 2014

Acts Referred:

- Penal Code, 1860 (IPC) - 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 be 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.