



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

214

**CRM-M-60070-2024(O&M)**  
**Date of Decision: 25.04.2024**

**KIRAN**

....Petitioner

**VERSUS**

**STATE OF PUNJAB**

....Respondent

**CORAM : HON'BLE MRS. JUSTICE MANISHA BATRA**

Present : Mr. Yogesh Goel, Advocate  
Mr. Vishal Dhiman, Advocate and  
Mr. Apurav Kamboj, Advocate for the petitioner.  
Ms Sakshi Bakshi, AAG, Punjab.

**MANISHA BATRA, J. (Oral)**

1. The instant one is the 2<sup>nd</sup> petition for grant of regular bail as filed by the petitioner in case arising out of FIR No.233 dated 10.09.2023 registered under Sections 302, 148, 149 of IPC at Police Station Sahnewal, District Ludhiana. The first petition was dismissed as withdrawn.

2. As per the allegations, on 10.09.2023, on receipt of an information regarding death of one Manti Devi having taken place at Govt. College and Hospital, Sector 32, Chandigarh, a police party reached there and recorded statement of the complainant Lalan Shah to the effect that on 07.09.2023, the petitioner and the co-accused had extended beatings to him and his wife. His wife had managed to escape and rushed inside their house. The petitioner and others had left as several people gathered at the spot. Then on 08.09.2023, the petitioner along with her mother Ramawati and accused Archana came outside her house. They were accompanied by one unknown



youth. They started assaulting the complainant and extended beatings to him. The petitioner dragged the victim outside the gate of the house and then all of them started inflicting injuries on the person of his wife with sticks. They also gave kicks to her. The son of the complainant raised rescue alarm. On hearing, several persons were attracted at the spot and then the assailants fled away. The victim was taken to the hospital and had died during the course of treatment. While alleging that the petitioner along with the co-accused had committed murder of his wife by inflicting serious injuries on her person, he prayed for taking action in the matter. On his statement, the aforementioned FIR was registered. Investigation proceedings were initiated. The petitioner was arrested on 11.09.2023. The co-accused were also arrested. Presently she along with co-accused is facing trial for commission of aforementioned offences.

3. It is argued by learned counsel for the petitioner that she has been falsely implicated in this case. There is delay of three days in reporting the matter to the police which has not been explained and which has created a doubt in the prosecution story. Neither the complainant nor eye witnesses i.e. PW-2 Laddu and PW-3 Badal Kumar had supported the prosecution case. The trial is likely to take time to conclude. Her further detention would not serve any useful purpose. With these broad submissions, it is urged that she deserves to be released on bail.

4. Status report has been filed. It is argued by learned Additional Advocate General, Punjab that there are serious and specific allegations against the petitioner which are grave in nature. It is urged that keeping in



view the gravity thereof the petitioner does not deserve to be extended benefit of bail.

5. Rival contention made by both the parties have been heard.

6. The petitioner by forming membership of an unlawful assembly with the co-accused is alleged to have opened an assault upon the victim Manti Devi on 07.09.2023 and 08.09.2023 and is alleged to have caused her homicidal death. The complainant Lalan Shah has, however, appeared before learned trial Court as PW-1. Copy of his statement has been placed on record as Annexure P-3 and a perusal of the same reveals that he did not implicate the petitioner in commission of offence of murder of the victim. Rather he is shown to have stated that some unknown persons had entered inside his house and had inflicted injuries on the person of his wife leading to her death. Similarly, PW-2 Laddu Kumar, brother of the victim is also not shown to have supported the prosecution case. Annexure P-5 is a photocopy of sworn deposition recorded by PW-3 Badal Kumar son of the complainant as well as victim. He is too shown to have stated that his mother had sustained injuries at the hands of some unknown persons and not by the present petitioner and the co-accused. As such, it emerges that material witnesses have not supported the version of the prosecution to the effect that the petitioner was one amongst the persons who had caused homicidal death of the victim. The petitioner is in custody since long. The trial is likely to take time to conclude as many witnesses remain to be examined.



7. Keeping in view the nature of evidence which has come on record, the period of incarceration of the petitioner and the above discussed facts and circumstances but without meaning to make any comment on the merits of the case, lest the same prejudices the trial, this Court is of the opinion that the petitioner deserves to be released on bail. Accordingly, the petition is allowed and the petitioner is ordered to be admitted to bail subject to her furnishing personal/surety bonds to the satisfaction of learned trial Court/CJM concerned.

( MANISHA BATRA )

JUDGE

25.04.2025

*Deepak Patwal*

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|-------------------------------------|---------------|
| 1. <i>Whether speaking/reasoned</i> | <i>Yes/No</i> |
| 2. <i>Whether reportable</i>        | <i>Yes/No</i> |