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**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH****CRM-M-56216-2023
Date of decision:-03.04.2025****SARABJIT KAUR @ BIMLA****... Petitioner****Versus****STATE OF PUNJAB****... Respondent****CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.**

Present:- Mr. Rakesh Kumar Kachura, Advocate for the petitioner.

Mr. Ankit Grewal, DAG, Punjab.

SANJIV BERRY, J.(ORAL)

Learned State counsel has filed status report by way of affidavit dated 02.04.2025 of Deputy Superintendent of Police, (CAW/C) Additional Charge DSP (Sub Division) Zira, alongwith custody certificate dated 02.04.2025, the same are taken on record, copies thereof, have been supplied to the counsel opposite.

2. The instant petition has been preferred by the petitioner under Section 439 Cr.P.C for grant of regular bail in the following case:-

FIR No.	Dated	Sections	Police Station
45	27.04.2023	302, 307, 323, 452, 427, 34 IPC	Mallanwala, District Ferozepur

3. Arguments heard.

4. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case without there being any specific overt act attributed to her. He submits that petitioner is a lady aged about 40 years having no criminal antecedents has



been in custody since 03.05.2023, after completion of investigation, challan has already been presented in Court and conclusion thereof, will take long time, hence prayed for grant of concession of bail to the petitioner.

5. *Per contra*, learned State referring to the reply submitted by the State has assailed these arguments and prayed for dismissal of the bail petition on the ground that the petitioner is being alleged to have committed heinous crime.

6. After considering the rival contentions and perusing the record, it is observed that as per allegations of the prosecution the assailants entered the house of Gurwinder Singh armed with respective weapons then accused Karan gave kapa blow which hit his head followed by accused Masha gave kirpan blow which hit his forehead, then Jashan gave kirpan blow on his nose and when the complainant came forward to rescue his son, Karan gave kapa blow on the complainant, which hit on the dorsal aspect of his right hand, Masha gave kirpan blow which hit on the left wrist and Jashan gave kirpan blow upon the complainant which hit his right elbow and Mani caused injuries on the shoulder of the complainant with baseball bat. The injured were shifted to the hospital where the son of the complainant succumbed to the injuries.

7. It is apparent from the perusal of record that the name of the petitioner has not been surfaced in the FIR and she has been nominated in the supplementary statement of the eye witness Lakhwinder Singh. A perusal of the reply filed by the State would clearly indicate that the said statement of Lakhwinder Singh was recorded on 29.04.2023 wherein he had claimed the petitioner alongwith Gurpreet Singh, Vishal, Karan son of Tilak Raj, Jyoti having accompanied the other assailants. No specific overt act is



attributed to the petitioner nor is she alleged to have given any injury either to the deceased or to the injured complainant and she is not having any criminal antecedents. After completion of investigation, challan has already been presented in Court wherein prosecution has cited 14 witnesses and till date none of them has been examined. The conclusion of trial, to ascertain criminal liability, if any, of the petitioner will take sufficient long time and no purpose would be served by detaining the petitioner any longer in custody.

8. In these circumstances, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

9. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

10. Pending application(s) if any shall also stand disposed of.

(SANJIV BERRY)
JUDGE

03.04.2025

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i) Whether speaking/reasoned?
ii) Whether reportable?

Yes/No
Yes/No