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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-825-2025 in/and
CRM-M-19072-2024
Date of decision : 29.01.2025

Rajbir Kaur**....Petitioner****versus****State of Punjab****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Umesh Aggarwal, Advocate
for the petitioner.

Mr. J.S. Arora, D.A.G., Punjab.

Mr. J.S. Thind, Advocate
for the complainant.

RAJESH BHARDWAJ, J. (Oral)**CRM-825-2025**

Allowed as prayed for.

CRM-M-19072-2024

1. Present petition has been filed for grant of regular bail in case FIR No.286 dated 30.10.2022, under Sections 302, 307, 325 and 120-B of IPC and Section 25, 54, 59 of Arms Act (Section 25, 54, 59 of Arms Act deleted later on) registered at Police Station Jandiala, District Amritsar.
2. Succinctly the facts of the case are that the FIR in the present case was registered on the statement of Balwinder Singh S/o Darshan Singh. It was alleged that in the year 2013, complainant and his brothers Satpal Singh and Kulwinder Singh set up their Bharat Petroleum Petrol Pump in their common land which is licensed in the name of Gurjit Kumar. Thereafter, he and his brother Satpal Singh after deciding, gave the due share of their brother Kulwinder Singh to him and on account of



the same, there arose a dispute. The daughter of Kulwinder Singh, namely, Rajbir Kaur (petitioner) instigated her father and brother for not having their share in the petrol pump. The dispute escalated and thus, on 30.10.2022, when his son Bikram Singh went to petrol pump at about 4:30 p.m. then Jugraj Singh and Kulwinder Singh came riding on a motorcycle and they attacked on his son Bikram Singh with the *daggers* in their hands. His son became unconscious. They raised the alarm and shifted the injured Bikram Singh to Hospital, where he was declared dead. Request was made to take legal action against the Kulwinder Singh, Jugraj Singh and Rajbir Kaur, who allegedly murdered his son conspiring with each other. On the registration of FIR, the investigation commenced. Postmortem of the dead body was also conducted on the same day and the accused were arrested. The petitioner was arrested on 09.12.2022. The petitioner approached the Learned Additional Sessions Judge, Amritsar praying for grant of bail, however, finding no merit, the same was declined after hearing both the sides by Learned Additional Sessions Judge, Amritsar vide order dated 28.03.2023. Aggrieved by the same, the petitioner approached this Court praying for grant of bail.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely and frivolously implicated in the present case. He submits that the petitioner has been implicated in this case simply being a family member of the co-accused against whom the specific allegations regarding causing murder of Bikram Singh has been levelled. He submits that even otherwise from the bare reading of the allegations made and the investigation conducted, the petitioner has been alleged to have instigated the co-accused to murder the son of the complainant. He submits that the challan has been presented, charges have



been framed and the trial is already commenced with the examination of the prosecution witnesses. He submits that the petitioner has no criminal antecedents and thus, in the facts and circumstances of the case the petitioner deserves to be granted bail.

4. Learned counsel for the complainant has opposed the submission made by learned counsel for the petitioner and submits that the petitioner is the main accused who instigated to co-accused to commit the offence. He submits that no case for the grant of bail to the petitioner, is made out.

5. Learned State counsel, on instructions from SI Dhanwinder Singh, has submitted that during investigation, it was found that the petitioner provided the weapons of offence to the co-accused. He submits that out of total 44 prosecution witnesses, 02 are partially examined. He further submits that the petitioner has no criminal antecedents. He has placed on record the custody certificate of the petitioner.

6. After hearing counsel for the parties and perusing the record, it is deciphered that the petitioner was arrested on 09.12.2022 and the allegations against the petitioner that she instigated the co-accused. The custody certificate produced would show that the petitioner has no criminal antecedents as she is not involved in any other case. In all there are 44 prosecution witnesses out of which 02 witnesses have been partially examined and thus, it is evident that it will take sufficient long time.

7. The veracity of the allegations would be assessed only after conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and



circumstances of the case, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on her furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

29.01.2025

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(**RAJESH BHARDWAJ**)
JUDGE

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