

CRM-M-52871-2024

2025:PHHC:027084



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**IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH.**

(286)

CRM-M-52871-2024 (O & M)  
Date of Decision:-25.02.2025

Amarjit Kaur

.....Petitioner.

Vs.

State of Punjab

.....Respondent.

**CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI**

Present:- Mr. S.S. Sarwara, Advocate, and  
Mr. Navpreet Singh, Advocate, for the Petitioner.

Mr. Rajinder Singh Bhatta, DAG, Punjab.

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**JASJIT SINGH BEDI, J.(ORAL)**

The prayer in this petition under Section 483 of the Bharatiya  
Nagarik Suraksha Sanhita, 2023 is for the grant of regular bail in case FIR  
No. 74 dated 04.06.2024 under Sections 302, 506, 120-B IPC registered at  
Police Station Meharban, District Ludhiana.

2. The present FIR came to be registered on the statement of  
Sarabjit Kaur @ Sabhya and reads as under:-

*“It is stated that I am resident of above said address and  
undertake the work off checking and packing at Parmeshwari  
Hosiery Bajda Road Meharwan Ludhiana. My father namely  
Sukhwinder Singh works as daily labourer, my mother's name is  
Paramjit Kaur who also undertakes the work of checking and  
packing at Gurparsad Factory Sirah road Ludhiana. We are  
three brother and sisters, out of whom we three sisters and one  
brother. My elder sister namely Anju is married, I am younger*

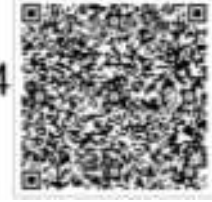


*to her and my brother is younger to me namely Gurpreet Singh who is studying. on dated 02.06.2024, my father Sukhwinder Kaur along with my brother Gurpeet Singh were trying to get the water of sewerage which used to gather/store outside our house and I was standing near to them. This water was entering in our house due to it was getting overflow. Then about 9:30PM, that Amarjit Kaur along with her husband namely Jagdish who was residing close to our house, Rani and her husband namely Binder, Bindri son of Jagdish, Vicky and Lucky sons of not known, Golu and Preet sons of Bindar to gather came to us and restrained us from emptying the sewerage tank and said that foul nuisance has spread in our street due to your tank got overflow then my father said that it is necessary for us to make it empty because this dirty water is entering into our house. On which Amarjit Kaur W/o Jagdish Kaur came forward and slapped on my father on his face. On resisting, Amarjit Kaur pushed my father with force, my father fell on the ground then Amarjit Kaur and Rani raised lalkara and said we would teach him a lesson today and he should not be left alive today. On which the above said persons in connivance with each other started beating to my father. Amarjit kaur sat on the chest of my father while he was lying on the ground and rest of people gave blow of their legs and kicks to my father while he was lying on the ground. I and my brother namely Gurpreet Singh tried our best to get release ourselves from them. Then Vicky son of unknown gave blow of his kicks with full force in the stomach and ribs of my father while he was lying on the ground in my presence and Bindri son of Jagdish hold my father from the hair and gave forceful blow of bricks in the backside of the head of my father due to which my father fell unconscious and they extended threats to kill us and fled away from the spot. In the mean time my mother Paramjti Kaur and my sister in law namely Manu wife of Buta Singh came on the*



*spot. We took our father inside our house and made us father to drink water etc. We could not got to police to inform due to being nervous a lot and due to deep dark. The next day on 03.06.2024, the condition of my father deteriorated due to which we took our father to Civil Hospital at Ludhiana, where my father died during treatment. The reason behind the grudge is that sewerage water of our street used to enter in out house due to get overflow and these persons were restraining us from emptying the sewerage tank. Due to which a dispute took place earlier also. The compromise for which was got effected by the respectable persons. That the above said persons gave severe beating to my father and murdered him. We are waiting for our relative due being in shock. Today I along my mother Paramjit Kaur was coming to you in police station then you met us. Therefore, action against Amarjit Kaur wife of Jagdish, Jagdish son of not known, Rani wife of Binder son of not known, Bindri son of Jagdish, Vicky and Lucky sons of not known, Golu and Preet sons of Bindar R/o Mohalla Harkrishan Vihar Ludhiana be taken. I have got my statement recorded to you in the presence of my mother, I heard the same and found it to be correct.”*

3. The learned counsel for the petitioner contends that the FIR would reveal that the allegations against the petitioner are only to the effect that she raised a *lalkara* and pushed the deceased. There is only one injury on the head of the deceased which has subsequently been attributed to Bindri son of Jagdish. The nature of allegations would at best attract Section 304 IPC and not 302 IPC. As the petitioner was a lady, a first-time offender, in custody since 04.06.2024 but none of the 18 prosecution witnesses had been examined so far, the Trial of the present case was not likely to be concluded anytime soon. Therefore, she was entitled to the concession of bail.



4. The learned counsel for the State, on the other hand, while referring to the reply dated 26.11.2024 contends that the petitioner and her co-accused assaulted the deceased leading to his death. The nature of the allegations did not entitle her to the concession as prayed for. He, however, concedes that the petitioner was a lady, a first-time offender, in custody since 04.06.2024 and that none of the 18 prosecution witnesses had been examined so far.

5. I have heard the learned counsel for the parties.

6. The veracity of the prosecution case against the petitioner and her co-accused shall be adjudicated upon during the course of the Trial. Admittedly, she is a first-time offender, in custody since 04.06.2024 but none of the 18 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. In this situation, her further incarceration is not required.

7. Thus, without commenting on the merits of the case, the present petition is allowed and the petitioner-Amarjit Kaur is ordered to be released on bail subject to her furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petition stands disposed of.

**( JASJIT SINGH BEDI )**  
**JUDGE**

**February 25, 2025**  
sukhpreet

Whether speaking/reasoned Yes/No

Whether reportable Yes/No

CRM-M-52871-2024

2025:PHHC:027084



::5::