

CNR No: PBJLB10022092023

CIS No: BA-308-2023

BALWINDER KAUR ALIAS BINDO VS PUNJAB STATE etc.

Present: Sh. Ricky Chodha, Ld. APP for the state.
Sh. Gourav Kaushal Advocate for the applicant.

Order:

1. This order of mine shall dispose of the bail application filed by the above mentioned accused.

2. Heard on the bail application moved by the applicant/accused Balwinder Kaur @ Bindo in a case F.I.R. No.0188 dated 16.09.2020 Under section 326, 323, 324, 148, 149 IPC, registered at Police Station Bilga, District Jalandhar. The present FIR was registered against the accused and upon presentation of final report, cognizance of the above mentioned offences was taken against the accused. Consequently she was arrested in the present case on 31.10.2023 as the accused had no bail order or stay on arrest in her favour.

2. Learned counsel for the applicant/accused has argued that applicant/accused has not committed any offence. The applicant/accused is in judicial custody. It is submitted that matter has already been compromised between the parties and quashing proceedings have been initiated. That investigation of the present case has already been completed and final report has been presented before the court. Moreover the applicant has good character and has no previous criminal antecedents. Ld. counsel for the accused has requested that bail may kindly be granted to the applicant/accused and the present bail application be allowed.

3. On the other hand, learned APP for the State has argued that the bail could not be granted to the accused as she has committed serious offences. It is submitted that the offence under Section 326 IPC is punishable with life imprisonment. Moreover the injury inflicted upon the complainant is serious/grievous in nature. Hence prayed for dismissing the bail application.

4. This Court has heard the learned APP for the State as well as learned counsel for the accused and has also scrutinized the record available on the file.

5. From the perusal of the record, it is evident that the present F.I.R. has been registered against the accused for the offence under Section 326, 323, 324, 148, 149 IPC. Final report has been presented. Conclusion of trial will take some time. The injury inflicted upon the complainant which is grievous in nature has been allegedly inflicted on non vital part of the body i.e little finger. Also the matter has been compromised and quashing proceedings are pending. Hence, no useful purpose would be served by keeping the accused in jail for an indefinite period. No past criminal antecedents conviction has been brought on record by the

prosecution. The court has adequate jurisdiction to grant bail in an offence punishable with life imprisonment only such as the present offence u/s 326 IPC as the bar of Section 437 Cr.P.C operates only where the offence is alternatively punishable with death or life imprisonment. It is settled law that the court has jurisdiction to grant bail in a matter which it is competent to try. Reliance in this regard is placed upon the decision of the Hon'ble Punjab and Haryana High Court Ramji Versus State of Punjab (2001) RCR Criminal 1 538, 2000 SCC online P&H 1276. Therefore, keeping in view the facts and circumstances of the present case, factum of the compromise, age of the accused, a criminal justice system that gives primacy to presumption of innocence and the cardinal rule that bail is the rule and jail an exception, the present regular bail application is allowed and accused is ordered to be released on bail on his furnishing bail bonds in the sum of Rs.50,000/- with one surety in the like amount, subject to the following conditions:-

- (i) That accused shall not indulge in the offence of similar nature.
- (ii) That accused shall not induce, give threat, pressure to the prosecution witness.
- (iii) That accused shall come present on each date of hearing.

Bail bonds and surety bonds furnished. They are attested and accepted as correct. Release warrant be prepared accordingly. Papers be tagged with the main file.

Pronounced in open Court.

Date of Order: 06-11-2023

Kajal

(Sukhmandeep Singh)
Judicial Magistrate First Class
Phillaur/UID NO . PB00642