

**THE COURT OF SMT. PRIYA SOOD,
SESSIONS JUDGE, TARN TARAN, UID-PB0065**

CIS No	BA/1409/23.
CNR No.	PBTT01-002945-2023.
Date of Institution	17.05.2023.
Date of Decision	12.07.2023.

Sukhwinder Kaur @ Sukhi, wife of Harjit Singh, resident of Village Jatta,
P.S. Sarhali, Tehsil and District Tarn Taran.

-----Applicant/accused

Versus

State of Punjab

-----Respondent.

FIR No. : 12 dated 23.01.2023
Under Section : 302,452,457,148,149 IPC
Police Station : Sarhali.

Application under Section 439 Cr.P.C.

Present: Sh. Satnam Singh, Advocate, counsel for applicant-accused.
Sh. Charanjit Singh, Addl. P.P. for the State.
Sh. Harsanjeev Singh Gill, Advocate, counsel for complainant.

ORDER

1. Vide this application, applicant-accused has sought regular bail in FIR No.12 dated 23.01.2023, under Section 302,452,457,148,149 IPC, Police Station Sarhali.

2. Applicant-accused, along with six named co-accused non-applicants, has been booked in the present FIR on the basis of statement made by Prabhjot Kaur, wife of Baljinder Singh, age 35 years, recorded on 23.01.2023 to the effect that Prabhjot Kaur was married to Baljinder Singh son of Ram Singh, in the year 2008. From the wedlock, one son and one daughter was born. Baljinder Singh is working as mason. Since construction

was going on in the house of the complainant for the last six months, complainant, along with her family, had shifted in the house of Harjinder Singh, son of Bhagwant Singh. Today, at about 7.00 PM, the neighbor of complainant, namely, Sarabjit Singh was quarreling with his wife in his house. At about 7.00 PM, complainant, along with her husband Baljinder Singh, went to the house of Sarabjit Singh to intervene and to resolve the dispute. However, Sarabjit Singh got angry with Baljinder Singh, husband of complainant, for his intervention and complainant immediately returned to her house along with her husband. At about 7.15 PM while complainant along with her husband Baljinder Singh and Harjinder Kaur, Manjinder Kaur, Gian Kaur, was sitting in the courtyard, Sarabjit Singh, Satnam Singh, Harjit Singh, sons of Harnam Singh armed with knife, Karajdeep Singh son of Satnam Singh, armed with Daang and Sukhi, wife of Harjit Singh, empty handed came, in the house, where Sukhi raised Lalkara to catch hold Baljinder Singh and to teach him a lesson for interfering in their house, upon which Sarabjit Singh, Satnam Singh and Harjit Singh gave knife blow in the stomach of Baljinder Singh, who fell down. Karajdeep Singh and Randeep Singh gave Daang blows on the head of Baljinder Singh. As blood started oozing out of the injuries of Baljinder Singh, the assailants fled away from the spot. The injured was rushed to hospital, where he was declared dead.

3. Learned counsel for applicant-accused has prayed that applicant-accused has been falsely implicated despite the fact she has no role in the occurrence. It is further prayed that apart from Lalkara, no overt act is attributed to applicant-accused. Learned counsel for applicant-accused

has further relied upon the Hon'ble Punjab and Haryana High Court judgment "**Jugraj Singh and another Versus State of Punjab**", **Criminal Appeal No. 81-SB of 1997, decided on 22.02.2007**, to urge that there is general tendency to rope in innocent persons and, while doing so, the role attributed to such an accused is generally of raising Lalkara or giving of exhortation. It is, further prayed that applicant-accused is in custody since 12.02.2023 and, in the light of the limited role attributed to her, she be extended the concession of regular bail.

4. Per Contra, learned Addl. PP for the State, assisted by learned counsel for complainant, has vehemently opposed the bail application on the ground that, it was the applicant-accused, who in premeditated manner, led the attack and provoked her husband and others to kill the victim and is therefore, not entitled to concession of regular bail.

5. I have carefully heard the learned counsel for the applicant-accused, learned Addl. Public Prosecutor for the State as well as learned counsel for complainant and have very keenly gone through the record.

6. There is no denying the fact that allegations against the applicant-accused are serious in nature. The occurrence allegedly took place when the applicant-accused along with her husband and others, went to the house of complainant, where the husband of applicant-accused and other co-accused brutally attacked the husband of the complainant, who died at the spot. Keeping in mind the nature of circumstances, in which the occurrence took place and the gravity of offence, this Court is of the considered opinion that no ground is made out at this stage, to grant regular bail to the applicant-

accused. The bail application is, accordingly dismissed. Bail application file be tagged with the trial file.

Pronounced
12.07.2023
Kamaljeet Kaur
Stenographer-III

Priya Sood
Sessions Judge
Tarn Taran/UID-PB0065