

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

**Sr. No.215**

**CRM-M No.3601 of 2017**  
**Date of decision: 13.02.2017**

Lakhwinder Kaur

....Petitioner

versus

State of Punjab

....Respondent

**CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL**

Present: Mr. Swarn Tiwana, Advocate  
for the petitioner.

Mr. Neeraj Yadav, AAG, Punjab.

Mr. P. S. Ahluwalia, Advocate  
for the complainant.

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**DEEPAK SIBAL, J. (Oral)**

Through the present petition filed under Section 439 Cr.P.C., the petitioner seeks grant of regular bail in FIR No.63 dated 19.06.2016, registered under Sections 302, 323, 506, 148, 149 IPC and 27 of Arms Act, 1959, at Police Station Longowal, District Sangrur.

Learned counsel for the petitioner submits that co-accused Amandeep Kaur, who has been attributed a similar role as the petitioner had approached this Court for the grant of regular bail through ***CRM-M No.958 of 2017-Amandeep Kaur versus State of Punjab***, which was allowed through order dated 19.01.2017, which reads as under:-

*“The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No. 63 dated 19.06.2016, registered under Sections 302, 323, 506, 148, 149 IPC and Section 27 of the Arms Act,*

1959, at Police Station Longowal, District Sangrur.

*Learned counsel for the petitioner submits that the petitioner, who is a young lady of 25 years, is in jail for the last over three months with a 10 months old baby in her lap; there is no role attributed to her so far as the deceased is concerned; an altercation took place inter se between the members of a family over the turn of water and the dispute, which took place on the spur of the moment, took an ugly turn, when one of the parties brought a gun from their house and fired from the same resulting in the death of one Didar Singh. Since the entire incident took place on the spur of the moment, it would be a moot point during the course of trial whether there was any meeting of the mind of the petitioner with the other co-accused including the main accused Buta Singh, who had fired from the gun. The only allegation qua the petitioner is that she had dragged one Mandeep Kaur – sister of the complainant but no injury on Mandeep Kaur has come in the investigation. The challan has been filed and therefore, the petitioner is not needed by the investigating agency any more. The trial is yet to commence and is likely to take a long time to conclude.*

*Learned State counsel opposes the bail on the ground that there is specific role attributed to the petitioner.*

*In view of the peculiar facts of the case, which are that the petitioner is a young lady of 25 years with a 10 months' baby; the challan has been filed and therefore, the petitioner is no longer needed by the investigating agency; the trial is yet to commence and likely to take a long time to conclude; the incident which caused the death of Didar Singh was on the spur of the moment; there is not even an allegation against the petitioner that she inflicted any sort of injury or even*

*attacked the deceased and that the only allegation against the petitioner being that she merely dragged one of the ladies present on the spot, who ultimately has also not been shown to have been inflicted any injury, without commenting on the merits of the case, I deem it proper to grant the benefit of regular bail to the petitioner.*

*Bail to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Sangrur.*

*Nothing observed herein above shall be considered to be an expression of opinion by this court on the merits of the case.”*

Learned counsel for the petitioner as also learned State counsel agree that the role attributed to the co-accused Amandeep Kaur and the petitioner is similar.

That being so, on the principle of parity, the petitioner also deserves to be admitted to regular bail.

Bail to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Sangrur.

Nothing observed herein above shall be considered to be an expression of opinion by this court on the merits of the case.

**(DEEPAK SIBAL)**  
**JUDGE**

**February 13, 2017**

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| (i) Whether speaking/reasoned | Yes/No |
| (ii) Whether reportable       | Yes/No |