

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

**CRM-M No.7990 of 2020 (O&M)
Date of Decision:03.03.2020**

Jinder Kaur

... Petitioner

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Atul Goyal, Advocate,
for the petitioner.

Mr. Ajay Pal Singh, DAG, Punjab
for the State.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 439 Cr.P.C.
for the grant of regular bail in FIR No.153 dated 07.07.2019 under Sections
302, 34 IPC, registered at Police Station Salem Tabri, District Police
Commissionerate, Ludhiana.

Learned counsel for the petitioner has submitted that in the
present case, both the parties are neighbours and even as per the contents of
the FIR, the deceased after having a scuffle, had fallen on the floor and the
allegations against the petitioner are that she had dragged the deceased.
Learned counsel for the petitioner has further stated that it is not a case
where specific injuries have attributed to the petitioner. He has contended
that the deceased, who had just retired, was celebrating his retirement party
for a few days. Learned counsel for the petitioner has referred to the post-

mortem report to show that the seven injuries, which have been indicated, are only bruises at different parts of the body and there is no injury by any weapon or whatsoever, by any of the accused. He has also referred to the opinion of the doctor, which stated that the final cause of death is due to “cardio pulmonary arrest due to combined effect of chronic heart disease, venous congestion of lungs and liver and injuries as mentioned in PMR, which are ante mortem in nature and sufficient to cause death in its ordinary course of nature”. He has further relied upon the order passed by this Court in CRM-M-734 of 2020 dated 05.02.2020, to contend that the other co-accused, namely, Rajatpal Kaur, who is similarly situated as the petitioner, has been granted regular bail. He has further stated that the petitioner is in custody since 08.07.2019 and, therefore, prayed for grant of regular bail to the petitioner.

Per contra, learned State counsel, on instructions from ASI Surinder Kumar, has not denied the factum of parity of the petitioner with the co-accused Rajatpal Kaur, but opposed the grant of bail to the petitioner on the ground that the matter is serious in nature. Learned State counsel has filed Custody Certificate in the Court today. The same is taken on record. As per custody certificate, the petitioner is in custody since 08.07.2019 and no other case is pending against her.

I have heard learned counsel for the parties and perused the record.

Admittedly, in the present case, the petitioner is in custody since 08.07.2019 and no other case is pending against her. It is also not

disputed that the similarly situated co-accused has already been granted bail by this Court. Considering the fact that the trial of the case may take time for final decision, I deem it fit to admit the petitioner to regular bail.

In view of the above, the present petition is allowed. It is ordered that the petitioner shall be released on bail on her furnishing bail bond/surety bond to the satisfaction of the trial Court.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant only for the purpose of decision of present petition.

(JASGURPREET SINGH PURI)
JUDGE

03.03.2020
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No