

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

CRM-M-22567-2020 (O&M)

Date of Decision: 19.08.2020

Sandeep Kaur

... Petitioner

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Munish Raj Chaudhary, Advocate for the petitioner.

Mr. A.S. Sandhu, Additional Advocate General, Punjab.

...

TEJINDER SINGH DHINDSA, J. (ORAL).

Matter has been taken up through Video Conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

Petitioner seeks concession of pre-arrest bail in case FIR No.326, dated 25.06.2020, under Sections 297/454/353/186/342/270/120-B/188 IPC, Section 4 of the Prevention of Damage to Public Property Act, 1984 and Section 51 of the Disaster Management Act, 2005, registered at Police Station City Barnala.

Counsel for the parties have been heard.

Allegations leading to registration of FIR are that a group of persons locked certain staff of medical and para-medical team inside a room and thereafter removed the body of one Balwinder Singh from mortuary.

On the previous date of hearing, counsel for the petitioner had made a submission that the petitioner is not related to the person whose body was taken away from the mortuary and that the FIR has been lodged against unknown and unrelated persons.

On the last date, learned State counsel had been directed to file reply as regards the link evidence on the basis of which the present petitioner, who is a lady is being nominated as an accused.

A reply on behalf of the State has been received through email. As per reply, a video clip of the occurrence was recorded and in which the present petitioner stands duly identified.

That apart, counsel for the petitioner himself has taken a somersault today and concedes that Balwinder Singh whose body was removed from the mortuary is the first cousin of the petitioner.

Under the prevalent Covid-19 pandemic for any person to behave in such an irresponsible manner needs to be deprecated in strong terms. The medical and para-medical staff in the State of Punjab as also across the country are working round the clock to fight the pandemic. There is a certain protocol to be observed regarding conduct of 'Covid test' and in the eventuality of there being a 'Covid' death, certain precautionary measures have to be followed. As per allegations, the present petitioner was part of a group which removed a body from the mortuary and who was none other than her cousin. As per the Investigating Agency, presence of the petitioner while removing the body stands recorded in a CCTV footage.

Under such circumstances, prayer of the petitioner seeking concession of pre-arrest bail cannot be accepted.

Petition is dismissed.

19.08.2020

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

i) Whether speaking/reasoned? Yes/No

ii) Whether reportable? Yes/No