

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

(202)

CRM-M-29201-2020

Date of Decision: September 29, 2020

Krishna Devi @ Khushpreet Kaur

.. Petitioner

Versus

State of Punjab

.. Respondent

(Through video conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. R.S. Mamli, Advocate, for the petitioner.

Ms. Bhavna Gupta, Deputy Advocate General, Punjab.

Mr. Gurinder Singh Hayer, Advocate, for the complainant.

HARSIMRAN SINGH SETHI, J.(ORAL)

Present petition has been filed under Section 439 Cr.P.C for the grant of regular bail to the petitioner in Rapat No.23 dated 10.05.2020 under Sections 452, 323, 324, 506, 148, 149, 188, 269 IPC (Sections 307, 341, 427, 326, 450 IPC and Section 151 of the Disaster Management Act and Section 3 of the Epidemic Disease Act added later on) registered at Police Station Lambi, District Sri Muktsar Sahib in cross case FIR No.88 dated 08.05.2020.

Learned counsel for the petitioner submits that the petitioner is a lady and has been attributed simple injuries, hence, there will be no useful purpose in keeping the petitioner behind the bars as trial is likely to take some time and she may be extended the benefit of regular bail. Learned counsel for the petitioner further submits that similarly situated co-accused, who had also inflicted simple injuries, have already been granted the benefit

of regular bail by this Court while deciding CRM-M-26018 of 2020 and CRM-M-26689-2020.

Notice of motion.

Ms. Bhavna Gupta, learned Deputy Advocate General, Punjab, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State. Learned counsel for the respondent-State submits that the petitioner has been attributed injuries with the handle of the handpump though, the injuries are simple in nature.

Learned counsel for the complainant also concedes that the injuries attributed to the petitioner are simple. Further, it is also not disputed that the co-accused of the petitioner, who had also inflicted simple injuries, have already been extended the benefit of bail by this Court.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Once, the petitioner has been attributed simple injuries and other co-accused of the petitioner, who were also attributed simple injuries, have already been extended the benefit of regular bail, the petitioner is also entitled for the same benefit on the ground of parity, unless and until any differentiating fact is pointed out between the petitioner and the co-accused, so as to deny the petitioner the benefit of regular bail. In the present case, no differentiating fact has been brought to the notice of this Court except the difference between the weapon attributed to the petitioner and the co-accused. The weapon attributed to the petitioner is not such, which will deny the petitioner the benefit of parity with the other co-accused.

Keeping in view the above, the petitioner has made out a case for the grant of regular bail.

In view of the above and without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, subject to the satisfaction of the trial Court/Duty Magistrate concerned.

Learned counsel for the petitioner undertakes that petitioner will not influence trial in any manner including influencing the witnesses and in case of default of the above undertaking, State will be at liberty to approach this Court for passing appropriate orders.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

September 29, 2020
harsha/naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No