

AMARJIT KAUR AND ANR

.....Petitioners

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Umesh Sharma, Advocate, for the petitioners.

Mr. Amit Mehta, Senior DAG, Punjab.

DEEPAK SIBAL, J. (ORAL)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.108 dated 26.09.2019 under Sections 323, 325, 148 and 149 of IPC and Section 3 (1) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, SC and ST Act), registered at Police Station Hariana, District Hoshiarpur.

Briefly stated the case of the prosecution is that on 10.09.2019 at about 8.00 PM, the petitioners along with co-accused after hurling abuses to the complainant in the name of his caste gave him beatings with iron rod and lathi etc.

Learned counsel for the petitioners contends that the petitioners have been falsely implicated in the case due to enmity between the petitioners and the complainant; the petitioners have no other criminal case pending against them; no injury is attributed to petitioner No.1-Amarjit Kaur; the only attribution qua petitioner No.2 is that he caught hold of the complainant's hairs; even if the case of the prosecution is taken as the gospel truth, though vehemently denied, no case under Section 3(1) of SC and ST Act is made out; co-accused-Sukhwinder Kaur who had earlier approached this Court through CRM-M-6506-2021 has been granted regular

filed and therefore the petitioners are not in a position to influence the investigation and that the petitioners' trial which is yet to begin will take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioners on the ground that the petitioners have abused the complainant in the name of his caste and petitioners along with co-accused have given him beatings.

The petitioners are in custody since 06.01.2020; they are not involved in any other criminal case; report under Section 173 Cr.P.C. has already been filed and therefore the petitioners are not in a position to influence the investigation; no injury is attributed to petitioner No.1-Amarjit Kaur; the only allegation against petitioner No.2 is that he pulled complainant's hair; co-accused-Sukhwinder Kaur has already been granted bail by this Court and the petitioners' trial which is yet to begin is likely to take a long time to conclude especially in the present circumstances when the world is facing the COVID-19 pandemic.

In view of the above, the present case is considered to be a fit one in which the petitioners be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Hoshiarpur, the petitioners are directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

23.02.2021
sandeep

(DEEPAK SIBAL)
JUDGE