

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

(Sr. No.224)

CRM-M No. 6506 of 2021

Date of decision : 17.02.2021

Sukhwinder Kaur

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. Jasraj Singh, Advocate for the petitioner.

Mr. Sidakmeet Singh Sandhu, AAG, Punjab.

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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 IPC (Section 3(1) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 has been added during course of investigation vide DDR No.27 dated 29.09.2020) registered at Police Station Haryana, district Hoshiarpur.

Briefly stated the case of the prosecution is that the accused used indecent and caste based words against the complainant and also inflicted injuries upon him.

Learned counsel for the petitioner submits that the petitioner who is 56 years old lady has been falsely implicated in the present case; she

is a widow; she is suffering from various diseases; there is no other criminal case pending against her; on 26.09.2019 when the present case was initially registered the same contained only bailable offences and offence under Section 3(1) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 was added after unexplained delay of one year; the petitioner is in custody since 06.01.2021; report under Section 173 Cr.P.C. has already been filed and therefore the petitioner is not in a position to influence the investigation and that the trial which is yet to commence will take a long time to conclude.

Learned State counsel opposes the grant of bail to her on the ground that the petitioner has exhorted co-accused and inflicted injuries on the complainant and has also abused the complainant in the name of his caste.

The petitioner is 56 years old widow; she is in custody since 06.01.2021; she is not involved in any other criminal case; report under Section 173 Cr.P.C. has already been filed and therefore she is not in a position to influence the investigation and the petitioner's trial which is yet to commence 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 petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Hoshiarpur, the petitioner is 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.

17.02.2021

sunil yadav

**(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No