

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

CRM M-12299 of 2021 (O&M)

Date of Decision: April 27, 2021

Kashmiro		Petitioner
	Versus	
State of Punjab		 Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. Surjit Singh Swaich, Advocate
for the petitioner.

Mr. J.S. Ghumman, DAG, Punjab.

FATEH DEEP SINGH, J. (Oral)

The matter has been taken up through video-conferencing on account of outbreak of pandemic COVID-19.

Petitioner Kashmiro, who is in custody since 31.07.2018, has moved this first regular bail application under Section 439 of Cr.P.C. in FIR No. 46 dated 15.06.2018 under Sections 302, 323, 341, 506 and 34 IPC (Section 302 IPC

added later on) registered at Police Station Sadar Rajpura, District Patiala.

The allegations in brief against the petitioner are that she alongwith her co-accused husband Chinderpal armed with iron rod and sons Sunil Kumar and Sushil armed with **dandas** attacked their neighbour Ramesh father-in-law of complainant Suresh Kumar.

The allegations against the petitioner are that she caught hold of the deceased by the legs.

Shri S.S. Swaitch, learned counsel for the petitioner *inter alia* contends that the petitioner is a lady and no specific injuries are attributed to her and only a single injury is there which is attributed to co-accused Chinderpal and that similarly placed co-accused Sunil Kumar and Sushil has already been allowed bail and has shown apprehension due to prevalent Covid-19 pandemic situation, the trial Court is not likely to be concluded in near future.

The learned State counsel Mr. J.S. Ghumman, DAG, Punjab though does not dispute the facts but has strongly opposed the bail on the grounds that the petitioner has been attributed role of catching hold of the deceased from the legs and, therefore, in view of the seriousness of the offence, disentitles her to any bail.

Be so as it may, the petitioner is a lady and the role attributed to her is only of catching hold of the deceased by the legs. The medical records reflect that only a single injury is there on the dead body and that is attributed by means of iron rod to co-accused Chinderpal.

In view of the period of incarceration and the fact that on account of present Covid 19 pandemic, the trial is not likely to be concluded in future. The Court should endeavor to decongest the jails to prevent calamity and, thus, without advertent on to the merits of the case, this Court deems it appropriate to grant the bail. Accordingly, the petitioner is

ordered to be released on regular bail to the satisfaction of Chief
Judicial Magistrate/Duty Magistrate, concerned.

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

Disposed off.

April 27, 2021
amit rana

(FATEH DEEP SINGH)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No