

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(208)

CRM-M-18567-2021

Date of Decision : May 20, 2021

Sarabjit Kaur @ Amarjit Kaur @ Amro

.. Petitioner

Versus

State of Punjab

.. Respondent

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Laghuinder Singh Sekhon, Advocate, for the petitioner.

Mr. Sandeep Singh Deol, Deputy Advocate General, Punjab.

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 respect of FIR No.36 dated 15.03.1997 under Sections 379, 356 and 411 of the Indian Penal Code registered at Police Station Payal, District Ludhiana.

Learned counsel for the petitioner argues that there are number of cases, in which the petitioner has been involved but the petitioner is either on bail or has already undergone the sentence in those cases and it is only in respect of the present FIR that the petitioner is behind the bars. Learned counsel for the petitioner submits that maximum punishment in respect of the Sections imposed in the present FIR is three years. Learned counsel for the petitioner submits that keeping in view the order passed by

the Division Bench of this Court in **CWP-PIL No.77 of 2021 titled as Court on its own motion versus Union of India and others on 28.04.2021**, wherein keeping in view the pandemic of Covid-19, the cases where the punishment is 7 years or less, direction has been issued not to make arrest. The same ratio be applied in the present case and the petitioner be also granted the benefit of regular bail.

Notice of motion.

Mr. Sandeep Singh Deol, 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 is a habitual offender and will again commit the same offence, which is clear from the previous record of the petitioner and therefore, the petitioner kept behind the bars.

Learned counsel for the respondent-State is not able to rebut the statement that the petitioner is being kept behind bars only in respect of the present FIR as in othe other cases, the petitioner is either on bail or have already undergone the sentence.

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

Once the Division Bench of this Court in **CWP-PIL No.77 of 2021 titled as Court on its own motion versus Union of India and others on 28.04.2021**, has directed that the police authorities not to arrest the accused where the maximum sentence for the offence alleged is seven years or less keeping in view the pandemic of Covid-19 in case there is no apprehension of breach of peace, the benefit of the ratio of the said order is

extended to the petitioner also as all the sections imposed in the FIR in view of the allegations alleged against the petitioner does not carry a sentence beyond three years. The petitioner is already behind the bars for the last 11 months and no useful purpose will be served keeping in view the situation which has arisen due to the pandemic of Covid-19.

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.

May 20, 2021

harsha

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No