

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-13176-2022
Reserved on: 05.09.2022
Pronounced on: 14.09.2022

Jabrana ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Ms. Bhavna Kapur, Advocate for the petitioner.

Mr. Harsimar Singh Sitta, DAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
153	20.08.2020	Shahpur Kandi, Pathankot	458, 459, 460 (later on added Sections 302, 307, 148, 149 IPC)

1. The petitioner, incarcerated upon his arrest in the FIR captioned above, came up before this Court under Section 439 of Code of Criminal Procedure, 1973 (Cr.P.C.) seeking bail.
2. In paragraph 13 of the bail petition, the accused declares that he has no criminal antecedents.
3. The petitioner, along with her gang members, in furtherance of the common object to loot the valuables, trespassed in the victim's home at night, brutally thrashed the residents, and one such injured died as a result of the assault.
4. Ld. Counsel for the petitioner contends that the pre-trial incarceration would cause an irreversible injustice to the petitioner and family.
5. Ld. counsel representing the State opposes bail.

REASONING:

6. After the arrest, the police recovered stolen articles of gold, etc., from the accused and her accomplices. The offence is heinous and crime brutal. Cruelty is one of the factors in deciding on bail. A cruel person is more likely to create a lot of insecurity in society. Once the courts form a prima facie opinion that the accused acted with

cruelty, then such an accused ordinarily should not be granted bail, and if the courts deem it appropriate to grant, then it must be after specifying the reasons for such an indulgence. In the present case, an analysis of the allegations and evidence collected does not warrant the grant of bail to the accused.

7. Since the petitioner gave birth during her custody, as such keeping in view that fact that not just a woman but even an infant is in jail, this court requests the trial court to expedite the trial on top priority. Registry to communicate this order to the concerned trial court.

8. Any observation made hereinabove is neither an expression of opinion on the merits of the case nor shall the trial Court advert to these comments.

Petition dismissed. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

14.09.2022
Jyoti-II

Whether speaking/reasoned:	Yes
Whether reportable:	No.