

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

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CRA-S-1268-2022.

Date of Decision: 20.07.2022.

Veerpal Kaur

....Appellant.

Versus

State of Punjab

....Respondent.

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. Mikhail Kad, Advocate for appellant.

Lalit Batra, J.

This criminal appeal has been preferred by appellant-Veerpal Kaur impugning the legality of order dated 30.05.2022 rendered by learned Additional Sessions Judge, Sangrur, in case titled 'Veerpal Kaur and another Vs. State', in terms of which, application under Section 438 Cr.P.C. (BA No.1444 of 2022) moved by appellant, seeking pre-arrest bail in case FIR No.318 dated 06.12.2019 under Sections 323, 354 and 354-D IPC and Sections 3 and 4 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as 'SC/ST Act'), (offence under Section 452 IPC read with Section 34 IPC deleted later on) registered at Police Station Lehra, District Sangrur, has been dismissed.

Learned counsel for the appellant *inter alia* contends that the present FIR is a counter blast to the complaint filed by co-accused Gurpreet Singh (husband of appellant) on 05.12.2019. He further urges that offence under Sections 3 and 4 of SC/ST Act was added on 12.12.2019, whereas instant FIR was lodged on 06.12.2019. He further urges that even otherwise, no incriminating role has been attributed to the appellant in the commission of alleged offence. He further urges that during the course of investigation,

as nothing incriminating had come against the appellant as well as her son co-accused Sukhdeep Singh and as such both of them were found innocent by the Investigating Agency, but later on they have been summoned as additional accused by the Trial Court, vide order dated 23.05.2022, while invoking the provisions of Section 319 Cr.P.C., to face trial in the instant case FIR. He further urges that as no prima-facie case has been made out against the appellant for the commission of offence punishable under Sections 3 and 4 of SC/ST Act, in a given scenario, applicability of provisions of SC/ST Act, is also debatable at this stage in view of the disputed facts and resultantly bar of Section 18 of SC/ST Act shall not be applicable. In support of his contention, learned counsel for appellant has relied upon **“Union of India Vs. State of Maharashtra and Ors.”** and Review Petition (Criminal) No.228 of 2018 in Criminal Appeal No.416 of 2018 decided by Hon'ble Supreme Court on 01.10.2019 and **“Arnesh Kumar Vs. State of Bihar & Anr.”** Criminal Appeal No.1277 of 2014 (SLP (Crl.) No.9127 of 2013) decided by Hon'ble Supreme Court on 02.07.2014. He further urges that co-accused Gurpreet Singh has already been extended concession of pre-arrest bail by this Court, vide order dated 26.08.2020 passed in CRM-M-10031-2020. He further urges that co-accused Sukhdeep Singh (son of appellant), who has been summoned as additional accused while invoking the provisions of Section 319 Cr.P.C., has already been granted concession of pre-arrest bail by this Court, vide order dated 08.07.2022 (Annexure A/6) passed in CRA-S-1172-2022. He further submits that appellant has no nexus whatsoever with the alleged offence and she is ready to join proceedings of the case before the Trial Court and there is no other case pending against her. He further urges that in

view of above, impugned order dated 30.05.2022 is liable to be set aside and the appellant may be extended concession of pre-arrest bail.

Notice of motion.

At the asking of the Court, Mr. Anmol Singh Sandhu, Assistant Advocate General, Punjab, accepts notice on behalf of respondent-State. Complete copy of paperbook has been supplied to him.

I have heard learned counsel for the parties and have carefully gone through the record of the case.

Since vide order dated 08.07.2022 (Annexure A/6) passed by Co-ordinate Bench of this Court in CRA-S-1172-2022, similarly situated co-accused Sukhdeep Singh has already been granted concession of pre-arrest bail and, therefore, without commenting anything on the merits of the case, on the ground of parity, instant appeal is allowed and resultantly impugned order dated 30.05.2022 is set aside. Appellant – Veerpal Kaur is extended concession of pre-arrest bail and she is directed to surrender before the Trial Court on or before 05.08.2022 and in the eventuality of her arrest in the instant case FIR, she shall be enlarged on bail, subject to her furnishing personal and surety bonds to the satisfaction of the Trial Court. The appellant shall abide by terms and conditions as laid down in Section 438(2) Cr.P.C. in letter and spirit.

(LALIT BATRA)
JUDGE

20.07.2022

jitender/varinder

Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No