



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

CRM-M-62743-2024

Date of decision : 18.12.2024

Geeta Rani

.....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Abhinav Singla, Advocate
for the petitioner.

Mr. Karunesh Kaushal, AAG, Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed praying for grant of regular bail to the petitioner in case bearing FIR No. 280 dated 30.08.2022, for offence under Sections 308, 323, 506, 148, 149 IPC (Section 302 IPC added later on), registered at Police Station Dera Bassi, District SAS Nagar (Mohali), Punjab.

2. Adumbrated facts of the case are that Kirna Rani d/o Late Nihal Singh, lodged the complaint before the police, wherein it was alleged that on 29.08.2022 at 9.30 P.M., her brothers, Harvinder Singh, Gursewak Singh and her cousin brother Nandu, were coming after purchasing milk from the shop. On the way, Gita (petitioner) and Sunita abused them with casteist remarks. On raising objection by her brothers, they started abusing them. As a result, Gita and Sunita went to their house and called their family members. Thereafter, their family members Ajay, Vijay, Neha, Raja Ram, Sarabjit @ Sunny etc., started throwing bricks and stones on them from the upper side. One of the stone hit on the head of her mother-Manjeet Kaur, who suffered serious injuries. She was rushed



to the Civil Hospital, Dera Bassi in unconscious condition, from where she was referred to PGI, Chandigarh. However, she died on 31.08.2022. Thus offence under Section 302 IPC was also added in the FIR. The petitioner was arrested on 31.08.2022. She approached the learned Additional Sessions Judge, SAS Nagar, Mohali praying for grant of bail. However, finding no merit in the same the learned Additional Sessions Judge, SAS Nagar, Mohali dismissed the same vide order dated 12.01.2023. Hence, being aggrieved, petitioner is before this Court by way of filing the present petition.

3. Learned counsel for the petitioner, at the outset, prays for the grant of bail on the basis of parity with that of the co-accused. He has drawn the attention of this Court to the order passed by this Court in CRM-M-2096-2024 dated 11.11.2024 whereby co-accused of the petitioner, namely, Sarabjeet Singh @ Sunny has been granted the concession of bail. He has submitted that case of the petitioner is at par with the co-accused, who has been granted bail by this Court. He submits that on the basis of the parity, the petitioner deserves to be granted bail as case of the petitioner is similar to that of the co-accused, who has already been granted bail.

4. Learned counsel for the State although has opposed the prayer of the petitioner yet endorsed the fact that the case of petitioner is at par with the co-accused, namely, Sarabjeet Singh @ Sunny, who has already been granted bail by this Court.

5. After hearing learned counsel for the parties and perusing the record, and from the facts and circumstances, it is clear that the occurrence in the present case has taken place on 29.08.2022 at 9.30 P.M.,



when the petitioner alongwith others have been alleged to have thrown stones and bricks on the complainant party and deceased, who suffered an injury by the brick on her head. However, after two days she succumbed to the injuries. Whether the offence under 302 IPC is made out or not, is subject matter of trial. This Court would refrain itself from commenting anything on the merits of the case. There are no criminal antecedents of the petitioner.

6. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail on the basis of parity as the co-accused has already been granted admitted to bail by this Court vide order dated 11.11.2024 passed in CRM-M-2096-2024. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on her furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

18.12.2024
m.sharma

(**RAJESH BHARDWAJ**)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No