IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No.M- 17720 of 2015
Date of Decision: 05.06.2015

Binder Kaur @ Binder Begum … Petitioner

Versus

State of Punjab ... Respondent

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Sunny Singla, Advocate,
for the petitioner.

Mr. Ankur Jain, AAG, Punjab.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J.(Oral)

This is a petition under Section 439 of the Code of Criminal Procedure praying for regular bail in FIR No.17, dated 23.4.2015, under Sections 370/370 A IPC and later on added Section 342 IPC at Police Station Joga, District Mansa.

The petitioner has been charged for immoral traffic.

Learned State counsel submits that the matter is still under investigation and the challan has not been presented.

Since the petitioner is already in judicial custody nothing more is required from her by the police and it will serve no useful purpose to keep the petitioner incarcerated in jail when the length of the trial remains beyond the control of the Court. If this problem in society has reached extensive propositions then the social remedy lies elsewhere and not in keeping a woman in jail beyond the need of law, who has been charged with offences under the Immoral Traffic (Prevention) Act, 1956. Though allegations may be serious in

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nature and other lives may be same even one, but that should not be deter the Court to balance the intents of the State with those of the accused. Taking a broad view of the matter, I think the petitioner deserves relief of bail as she has already spent about one month and 5 days in District Jail, Mansa. Hence, the petition is allowed and the petitioner is granted the concession of regular bail to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Mansa.

05.06.2015 **(RAJIV NARAIN RAINA)**
monika **JUDGE**

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