

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

Crl.Misc. No.M-28612 of 2015

Date of Decision : 10.9.2015

Rajpal Kaur

.....Petitioner

Vs.

State of Punjab

.....Respondent

...

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

...

Present : Mr. Charanpal Singh Bagri, Advocate for the petitioner.
Mr. D.S. Virk, AAG, Punjab.
Mr. S.S. Tiwana, Advocate for respondent no.2.

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

RAMESHWAR SINGH MALIK, J

Petitioner seeks bail pending trial in FIR No.101 dated 5.6.2015 under Sections 364-A,382, 342,500,120-B IPC registered at Police Station Mataur, Distt. SAS Nagar, Mohali.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. There was no occasion for the petitioner to indulge in such kind of activity, which has been alleged against her. Her husband Jaswinder Singh, Sarpanch of Sidhupur Kalan is not residing with the petitioner, as matrimonial dispute was going on between them. Resultantly, a decree of divorce has been granted between the petitioner and her husband. This is the reason that she has been falsely implicated in the present case. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions

from ASI Harbhajan Singh, Police Station Mataur, Distt. S.A.S. Nagar, Mohali, submits that the petitioner is not entitled for bail pending trial, because challan has been presented against her after collecting sufficient incriminating material against the petitioner. Similarly, learned counsel for the complainant also vehemently opposes the present petition, contending that the petitioner is the main accused and she is not entitled for bail.

Having heard learned counsel for the parties at considerable length and after careful perusal of the record of the case, this court is of the considered opinion that keeping in view the peculiar fact situation obtaining in the present case, petitioner has been found entitled for bail pending trial. It is so said, because petitioner and her husband were not residing together. Matrimonial dispute was going on and as a result thereof, a decree of divorce has been granted. So far as the complainant is concerned, he is admittedly a retired army man. He himself went to the house of the petitioner, however, after allegedly receiving a telephonic call from the petitioner. In such a situation, it will be a debatable issue before the learned trial court, as to whether the petitioner has played any role in the commission of offence alleged against her.

In view of the above and without commenting anything further on the merits of the case, lest it should prejudice the rights of either of the parties, instant petition is allowed. Petitioner is directed to be released on bail pending trial on her furnishing adequate bail bonds/surety bonds to the satisfaction of the learned trial court.

Disposed of, accordingly.

10.9.2015
GS

(RAMESHWAR SINGH MALIK)
JUDGE

