

CRM-M No. 39117 of 2015**Date of decision: 18.12.2015****Tej Kaur****.....Petitioner****versus****State of Punjab****.....Respondent****Coram: Hon'ble Mr. Justice Naresh Kumar Sanghi****Present:** Mr. P.S.Ahluwalia, Advocate
for the petitioner.

Mr. P.S.Paul, DAG, Punjab.

Naresh Kumar Sanghi, J.(Oral)

Prayer in this petition, filed under Section 439, Cr.P.C., is for grant of regular bail to the petitioner-Tej Kaur, who has been booked for having committed the offences punishable under Sections 120-B IPC, 323, 363-A,, in a case arising out of FIR No. 107, dated 31.12.2014, registered at Police Station Koom Kalan, District Ludhiana.

Learned counsel for the petitioner contends that it is the second petition for grant of bail to the petitioner; earlier petition was dismissed as withdrawn on 07.08.2015; the co-accused of the petitioner, namely, Ramandeep Singh @ Deepu and Sarvesh Kumar have already been granted the concession of bail by this Court; the offences for which the petitioner has been booked are triable by learned Judicial Magistrate, First Class where the petitioner is facing trial; the petitioner is a woman and has already suffered incarceration for more than 11 months; and that the child,

who was allegedly, kidnapped was restored to the mother on the very next day of kidnapping.

Learned State counsel has not controverted the factual aspects raised by learned counsel for the petitioner. However, he has opposed the grant of bail since the child was recovered from the petitioner.

After hearing learned counsel for the parties, this Court finds that all the offences for which the petitioner has been booked are triable by learned Judicial Magistrate, First Class; the petitioner, who is a woman, has already suffered the incarceration for more than 11 months; she is neither required nor involved in any other case and the co-accused of the petitioner have been granted bail and they did not misuse the concession.

In view of the totality of the facts and circumstances of the case, the present petition is allowed. Petitioner-Tej Kaur wife of Ishwar Singh, resident of House No. 9, Mohalla Arjan Colony Loharan Kalan, Nabha City District Patiala is directed to be released on bail, during the pendency of trial of the present case, subject to her furnishing bail bonds to the satisfaction of the learned trial Court/Duty Magistrate, Ludhiana.

18th December, 2015
Shivani Kaushik

[Naresh Kumar Sanghi]
Judge