

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

CRM-M-41377-2015

Date of decision: 11.12.2015

Balwinder Kaur

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Pardeep Bajaj, Advocate
for the petitioner.

Mr. K.D. Sachdeva, Addl. AG, Punjab.

RAMESHWAR SINGH MALIK, J. (ORAL)

Petitioner seeks bail pending trial in FIR No.160 dated 18.10.2015 under Sections 295-A, 34 IPC and Sections 295, 201 IPC (added later on), registered at Police Station Dehlon, District Ludhiana.

Learned counsel for the petitioner submits that allegations levelled against the petitioner do not appeal to reason. He further submits that there was no occasion for the petitioner to indulge in the activity alleged against her nor she has committed the alleged offence. He also submits that since the report under Section 173 (2) Cr.P.C. is yet to be presented by the investigating agency, conclusion of trial will take long time. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from ASI Jaswinder Singh, Police Station Dehlon, Ludhiana, submits that allegations against the petitioner are direct and serious. Her name was disclosed in the supplementary statement suffered by the complainant on the

next day of incident. He prays for dismissal of the present petition.

After hearing the learned counsel for the parties and going through 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 initially the petitioner was not named in the FIR, which is a matter of record. In such a situation, it shall be a debatable issue for the learned trial Court, as to what would be the evidentiary value of such a disclosure statement suffered before the police, which is not even followed by the recovery. Further, since the trial is yet to start, conclusion of trial will take time.

In view of the above and without commenting anything further on merits at this stage, lest it should prejudice the case of either side at a later point of time, 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 learned trial Court.

Disposed of, accordingly.

[RAMESHWAR SINGH MALIK]
JUDGE

11.12.2015
vishnu