

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

**C.R.M-M No.4784 of 2015
Date of Decision : 01.09.2015**

Mohinder Kaur

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. M.S. Dhimi, Advocate
for the petitioner.

Ms. Amarjit Kaur Khurana, Addl.A.G., Punjab.

Mr. Sanjiv Kumar Dahiya, Advocate
for the complainant-respondent No.2.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

AJAY TEWARI, J. (Oral)

This is a petition for grant of pre-arrest bail to the petitioner under Section 438 Cr.P.C. in a complaint case bearing Complaint No.RBT 233/1/11 dated 14.11.2008.

The bail of the petitioner was cancelled because she did not attend Court. By interim order she was permitted to surrender before the trial Court and the trial Court was directed to grant her interim bail.

Learned counsel for the petitioner states that thereafter the petitioner was admitted to interim bail she is now regularly attending the proceedings. As per him the case is now at the fag end and the same is now

fixed for 08.09.2015 for recording the statement of the petitioner under Section 313 Cr.P.C. Learned counsel also undertakes on behalf of the petitioner not to misuse the concession of bail.

Learned counsel for the complainant-respondent No.2 on the other hand has argued that in this case the petitioner and her daughter drove the brother of the complainant- respondent No.2 to suicide after having misappropriated his life savings. As per him the daughter of the petitioner has removed herself away from the course of proceeding as she is staying in England and the petitioner is not entitled to bail because she had misused the concession of bail.

In my opinion, what is determinant is the stage of the trial. Once it is admitted that the trial is at its fag end and the case is fixed only for the statement of accused under Section 313 Cr.P.C. and, since the counsel has undertaken that the petitioner would not misuse the concession of bail, it would not be appropriate to deny the concession of bail to the petitioner.

Resultantly, the petition is allowed. The interim bail granted by the trial Court is made absolute.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

September 01, 2015

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**(AJAY TEWARI)
JUDGE**