

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

204

Crl. Misc. No.M-7882 of 2015

Date of decision: 19.03.2015.

Gurjit Kaur

....Petitioner

versus

State of Punjab

....Respondent

CORAM: Hon'ble Mr. Justice TEJINDER SINGH DHINDSA.

Present: Mr. K.S. Sidhu, Advocate for the petitioner.

Mr. N.K. Chopra, DAG, Punjab.

Tejinder Singh Dhindsa, J. (Oral)

This order shall dispose of the instant petition filed under Section 439 Cr.P.C. seeking the benefit of regular bail to the petitioner in FIR No.55 dated 15.08.2014 registered under Sections 364, 120B IPC at Police Station Phul, Distirct Bathinda.

Counsel for the parties have been heard.

Brief facts may be noticed that the complainant in the present case, namely, Karamjit Kaur w/o Gurmail Singh had lodged a missing report as regards her son, namely, Gurtej Singh and as per which he had gone missing since 25.05.2014. The FIR in question was lodged on 15.08.2014. Perusal of the FIR would reveal that the name of the present petitioner figured only on the basis of suspicion by alleging that missing son of the complainant-Gurtej Singh had developed illicit relations with the present petitioner as they were both working in the same company i.e. Pearl Company and as such the present petitioner in conspiracy with her brother Gurpreet Singh and two-three other unidentified persons had kidnapped Gurtej Singh.

Counsel appearing for the petitioner had argued that even if the allegations of illicit relations were to be believed, there would be no motive for the petitioner to have kidnapped Gurtej Singh.

That apart, it has gone uncontroverted that after completion of investigation, the challan was presented on 12.11.2014 and even the charges have been framed thereafter. Learned State counsel would further apprise the

Court that no prosecution witness has been examined till today and as such the trial is at the very initial stage.

The petitioner is a married lady stated to be having minor children. It is not the case made out on behalf of the State that if the petitioner is granted bail, she would be in a position to hamper the course of trial.

Keeping in view the totality of circumstances and without making any observation on merits, the petitioner who has already suffered incarceration of almost seven months is held entitled to the benefit of bail.

Petition is allowed.

The petitioner be enlarged on bail subject to satisfaction of the trial Court/Duty Magistrate.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

March 19, 2015
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