

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

CRM-M-23122 of 2016 (O&M)
Date of decision : 28.07.2016

Sukhwinder Kaur @ Binder Kaur @ Sukho

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. PS Sekhon, Advocate for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana
assisted by ASI Ranbir Singh

JITENDRA CHAUHAN, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure (for short, 'the Cr.P.C.') seeking regular bail in case FIR No.7 dated 01.03.2016, registered under Section 379A of the Indian Penal Code (for short 'the IPC') read with Section 34 IPC, at Police Station GRP Sirsa, District GRP Ambala Cantt.

It is contended that the petitioner was not arrested from the spot. He was taken into custody on the next date i.e.02.03.2016 of lodging the FIR. The learned counsel stated that the age of the petitioner is 35 years and is a mother of three young children.

On the other hand, the learned State counsel states that the petitioner is involved in other FIR, however, he fairly admits that the same

is not lodged under Section 379-A IPC. The petitioner was identified by the complainant and recovery of gold locket was effected from her. He submits that the challan has been presented and out of 6 prosecution witnesses, none has been examined so far.

Heard.

Keeping in view the facts that the petitioner is in custody since 02.03.2016; she is a mother of three school going children; challan stands presented; and none of the witnesses has been examined so far, no useful purpose would be achieved in keeping the petitioner behind the bars.

In view of above, without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of the trial, on her furnishing bail bonds/surety bonds, to the satisfaction of the trial Court.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

28.07.2016

ashok

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned:

Yes / No

Whether reportable:

Yes / No