

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

**Criminal Misc. No. M-28333 of 2016 (O & M)
Date of Decision:-19.08.2016**

Rajwant Kaur @ Rabia Kaur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Mandeep Singh Sachdev, Advocate
for the petitioner.

Mr. Mikhail Kad, Asstt. A.G., Punjab.

HARI PAL VERMA J.(Oral)

CRM No.25071 of 2016

Allowed as prayed for.

CRM-M-28333 of 2016

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.128 dated 1.6.2016, under Sections 406, 420 IPC read with Section 24 of the Immigration Act (Sections 465, 467, 468, 202 and 120-B IPC added later on), registered at Police Station Division No.7, Jalandhar.

Learned counsel for the petitioner contends that a bare perusal of the FIR shows that there is no allegation against the petitioner. It is only on the basis of the disclosure statement made by her brother, namely,

accused Baljinder Singh, name of the petitioner has been cropped up. He further states that the petitioner is in custody since 18.7.2016 i.e. the date of alleged disclosure statement of accused Baljinder Singh. He further states that not even a single complainant has come forward to depose against the petitioner during the course of investigation.

Learned State counsel on instructions from ASI Sukhraj Singh states that none of the complainants has made any allegation against the petitioner.

I have heard learned counsel for the parties.

In view of the fact that there is no allegation against the petitioner at the time of registration of the FIR and even during the investigation nothing incriminating has come against the petitioner, she is ordered to be released on regular bail, however, subject to her furnishing bail bonds/surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Jalandhar.

It is made clear that the observations made hereinabove shall not be construed as reflection of any opinion on the merits of the main case and the trial Court shall decide the case on the basis of available evidence.

August 19, 2016
Vijay Asija

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No