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

CRM-M-28395 of 2016

Date of decision: August 26, 2016

Bimla and another

.....Petitioners

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present: Mr. Ajay Bhardwaj, Advocate
for the petitioners.

Mr. Karan Sharma, AAG Haryana.

A.B. CHAUDHARI, J (Oral)

Heard learned counsel for the rival parties.

In FIR No.240 dated 06.05.2016, under Section 379-A of Indian Penal Code, 1860, registered at Police Station Bilaspur (Now Police Station Manesar), District Gurgaon, petitioner No.1 is mother and petitioner No.2 is daughter, who were arrested on 06.05.2016 and are in jail since then.

Challan has admittedly been filed. The prosecution case is that the petitioners snatched the gold chain of the complainant in the Temple and handed over it to 8 years old child who ran away with the gold chain. Undoubtedly, the offence of the petitioners is serious and it is reported by the learned State counsel, on instructions from Assistant Sub Inspector Jagmal Singh, that there is no other similar case against them.

Learned State counsel states that the petitioners have been giving incorrect addresses so also their full names. It is, therefore, difficult for the police to know their places of ordinary residence as the petitioners

are sometime saying that their addresses are at Rajasthan. He, therefore, states that the local surety should be ordered to be furnished by the petitioners, if at all they want to get released on bail.

The Supreme Court decisions that the local surety need not to be insisted when the bail is granted as it defaces the bail order. It will have no application in the instant case since the petitioners have been cleverly not disclosing their full names or addresses correctly.

Learned counsel for the petitioner submits that petitioner No.2 has delivered a child in jail as on the date of offence, she was pregnant. Petitioners being women and are ready to file an undertaking that they would not indulge in similar or other types of offences in future and the fact that the challan has been filed, I am inclined to grant bail to the petitioners.

In that view of the matter, this petition is allowed. Petitioners be released on bail subject to the satisfaction of the learned Chief Judicial Magistrate/trial Court concerned. The petitioners shall furnish local sureties failing which the trial Court shall not accept the surety. Petitioners shall file an undertaking that they would not indulge in similar or other types of offences in future. Petitioners shall also not tamper with the prosecution evidence and threaten the prosecution witnesses.

(A.B. CHAUDHARI)
JUDGE

August 26, 2016

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No