

212.

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

CRM-M-40660-2016

Date of decision:22.11.2016

Lovepreet Kaur @ Surinderjit Kaur @ Simranjeet Kaur @ Simi @ Tannu
... Petitioner

versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Gursimran Singh Bhatia, Advocate,
for the petitioner.

Mr. Gurinderjit Singh, DAG, Punjab.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.120 dated 07.05.2004 under Sections 307, 353, 382, 411, 186, 34 IPC and 25/54/59 of Arms Act, registered at Police Station Civil Lines, Amritsar (Annexure P-1).

Learned counsel for the petitioner states that the petitioner is in custody since 05.02.2016. He further states that earlier the petitioner was declared proclaimed offender but she surrendered on 05.02.2016. Thereafter, she was arrested in another case FIR No.5 dated 17.01.2016 under Section 306 IPC, Police Station GRP, Amritsar. He states that in the present case, the main accused, namely, Randeep Kumar @ Vijay Topi has already been acquitted by the trial Court vide judgment dated 08.07.2009 passed by learned Additional Sessions Judge, Amritsar. Therefore, taking into consideration the fact that the co-accused has been acquitted and the

petitioner is in custody since 05.02.2016, she may be admitted on bail.

Learned State counsel has filed custody certificate of the petitioner in court today, which is taken on record. He, on instructions from HC Sukhwinder Singh, submits that no doubt the co-accused, namely, Randeep Kumar @ Vijay Topi has been acquitted by the trial Court vide judgment dated 08.07.2009, but the petitioner was declared as PO and she was again arrested in FIR No.5 dated 17.01.2016 under Section 306 IPC, Police Station GRP, Amritsar and apart from the present FIR, two other FIRs are also pending against the petitioner. Therefore, the record of the petitioner is not clean.

Heard, learned counsel for the parties.

It is not disputed that the petitioner is in custody since 05.02.2016 and in the present case, co-accused has been acquitted by the trial Court. It has been reported that the petitioner is on bail in other FIRs.

Considering the fact that the co-accused has been acquitted by the trial Court, petitioner is admitted on bail subject to furnishing heavy surety subject to the satisfaction of trial Court. The trial court is at liberty to impose any other reasonable condition, as it may deem fit under the peculiar facts and circumstances of the case.

Accordingly, the present petition stands allowed.

(HARI PAL VERMA)
JUDGE

22.11.2016
sanjeev

Whether speaking/reasoned
Whether Reportable:

Yes/No.
Yes/No.