

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-17448-2017(O&M)
Date of decision: 09.11.2017.

Balwinder Kaur

....Petitioner.

vs.

State of Punjab

.....Respondent.

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Mr. Divjyot S. Sandhu, Advocate for the petitioner

Mr. Sidakmeet Sandhu, AAG, Punjab.

SHEKHER DHAWAN, J.

Present petition under Section 439 Cr. P.C. is for grant of regular bail to the petitioner in case FIR No. 6 dated 10.1.2002, under Section 302, 364, 201, 120-B, 148 and 149 IPC, registered at Police Station Kotwali, Kapurthala, District Kapurthala.

Learned counsel for the petitioner contends that role of the present petitioner in the main appeal is that if all the allegations are taken to be correct, her role is under Section 120B IPC and she is not the main accused and main accused were tried and acquitted by the Court below. It is further submitted that petitioner was not aware of the proceedings pending before the Court below and that is why she could not appear. More so, petitioner is in custody 21.2.2017 and trial will take some time to conclude, therefore, the petitioner be released on regular bail.

Learned State counsel has fairly conceded that role of the petitioner is under Section 120 IPC and the main accused have been tried and acquitted by the Court below, however, he has opposed the bail petition on the ground that petitioner was appearing before the Court since 2002 and her arrest was effected and she remained proclaimed offender for a period of 15 years and was released on bail.

Having considered the submissions made by learned counsel for the parties; the fact that role of the petitioner is under Section 120 IPC and main accused have been tried & acquitted; petitioner is in custody since 21.2.2017; trial is still to take some time and no purpose would be served in keeping her to custody, present petition is allowed and the petitioner is ordered to be released on regular bail on her furnishing bail bonds and two sureties of the heave amount to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Kapurthala.

Nothing said here-in-above shall be construed to be an expression of opinion on the merits of the case.

(SHEKHER DHAWAN)
JUDGE

9.11.2017
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Whether Speaking/reasoned : Yes/No
Whether Reportable : Yes/No