

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

CRL. MISC. No.M-18389 OF 2017
DATE OF DECISION : 27th SEPTEMBER, 2017

Jyoti alias Jyotishana

.... Petitioner

Versus

State of Punjab

.... Respondent

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

* * * *

Present : Mr. R. K. Bajaj, Advocate for the petitioner.

Mr. Ramandeep Sandhu, Sr. D.A.G. Punjab.

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A. B. CHAUDHARI, J. (ORAL)

The petitioner has filed this second petition under Section 439 Cr.P.C. seeking regular bail in FIR No.23 dated 16.02.2017 registered under Sections 406 & 420 IPC and Section 13 PTPR Act at Police Station Division No.7, District Jalandhar.

Learned State counsel submits that the husband of the petitioner had also applied for anticipatory bail, which has been dismissed by this Court.

Petitioner-Jyoti was arrested on 17.02.2017 and is in jail since then.

Learned counsel for the petitioner submits that she has two small children about 9 years and 10 years of age. Since her husband is also on run, there is nobody in the house to look after the children. He has shown the affidavit in the nature of compromise under which she had paid ₹4,00,000/- to the victim and therefore no grievance survives in that FIR.

Learned State counsel submits that the petitioner is habitual offender and one more FIR is pending against her.

Looking to the period of imprisonment already undergone by her under trial and in view of Section 437 Cr.P.C. and further that there are children in her house and since admittedly her husband is on run and particularly the fact that the case is triable by magistrate, I am inclined to grant bail to the petitioner.

However, the petitioner have to file undertaking by way of affidavit submitting therein not to indulge in any offence again and submit a copy thereof before the trial Court and the police station concerned.

In the result, I make the following order:

ORDER

- (i) CRL. MISC. No.M-18389 OF 2017 is allowed.
- (ii) The petitioner shall report to the concerned Police Station every Sunday between 11.00am to 4.00pm. The police shall keep surveillance on the applicant-appellant.
- (iii) The petitioner shall give undertaking to the police as aforesaid within a period of two weeks from the date of release that she will not indulge in such type of offence in future.
- (iv) In case of violation of the above condition on the part of the petitioner, the liberty is reserved in favour of the State to apply for cancellation of bail.

27th SEPTEMBER, 2017
'raj'

(A. B. CHAUDHARI)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>