

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

CRL. MISC. No.M-25921 OF 2017
DATE OF DECISION : 24th JULY, 2017

Jaswinder Kaur

.... Petitioner

Versus

State of Punjab

.... Respondent

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

* * * *

Present : Mr. Ishaan Pasricha, Advocate for the petitioner.

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A. B. CHAUDHARI, J. (ORAL)

The petitioner has filed this petition under Section 438 Cr.P.C. seeking anticipatory bail in FIR No.94 dated 08.06.2005 registered under Sections 323, 325, 148 & 149 IPC at Police Station Bholath, District Kapurthala.

Notice of motion.

Mr. Ramandeep Sandhu, Sr. D.A.G. Punjab accepts notice on behalf of the State.

Rule.

Heard forthwith with consent of counsel for the rival parties.

The petitioner is being prosecuted in the aforesaid FIR. During trial she remained absent on 23.12.2010 and since then she did not appear before the trial Court for facing the trial. Consequently she was declared proclaimed offender by the trial Court vide order dated 08.07.2011. The trial Court also separated the trial having found the absence of the petitioner. Learned counsel for the petitioner submits that after separation of the trial the accused, who were tried, were convicted by the trial Court but the Appellate Court released them on probation.

Undoubtedly, the petitioner has clearly evaded the trial for a long time. The reasons for absence given by the petitioner may not be good and sufficient. However, looking to the offences alleged against her and the fact that the co-accused, who were tried, ultimately released on probation, the petitioner who is a woman, should be given one chance to be at liberty.

In that view of the matter, I am inclined to grant bail to the petitioner, since the counsel for the petitioner has given undertaking on instructions that the petitioner would appear before the trial Court and furnish her bail bonds and attend the trial with promptitude. However, subject to some costs. In the result, I make the following order:

ORDER

- (i) Rule is made absolute.
- (ii) CRL. MISC. No.M-25921 OF 2017 is allowed.
- (iii) The petitioner be released on furnishing fresh bail bonds to the satisfaction of the concerned CJM/Duty Magistrate. The bail of the petitioner will be subject to deposit of costs amount of ₹2,000/- with the Court as a pre-condition, which shall be forfeited to the State.
- (iv) The petitioner shall continue to appear before the trial Court with promptitude till the completion of trial as stated above.
- (v) Any further failure on the part of the petitioner shall result into taking her in custody by the trial Court.

24th JULY, 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>