

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

Criminal Misc. No.M-30500 of 2017

Date of Decision: 29.08.2017

Bakshish Kaur

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. G.S. Kaura, Advocate
for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab.

HARI PAL VERMA, J. (Oral)

Prayer in the present petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner in case FIR No.26 dated 8.4.2017 under Sections 406/420/120-B IPC registered at Police Station Bhogpur, Jalandhar.

Learned counsel for the petitioner has referred to order dated 1.7.2017 (Annexure P-3) passed by learned Judicial Magistrate Ist Class, Jalandhar, whereby husband of the petitioner namely Gurnam Singh has been admitted on regular bail on the ground that though challan in the case has been presented but the accused is no more required in the case for further investigation and criminality in the case is yet to be determined after appreciating the evidence. He has argued that for same set of allegations, the same Magistrate has declined the petition filed on behalf of the petitioner for regular bail, vide order dated 29.7.2017, on the ground that the allegations against the petitioner are serious in nature. Learned

counsel has also referred to compromise dated 12.6.2017 (Annexure P-2), as entered between the parties, showing therein that the petitioner and her husband have already returned their share amount of Rs.12 lacs.

Mr. D.S. Kahlon, Advocate has put in appearance on behalf of the complainant and filed his *vakalatnama* in Court which is taken on record. He has not disputed that receipt of Rs.12 lacs, however, he submits that the petitioner and her husband were given Rs.28 lacs.

Learned State counsel has also argued on similar lines, as argued by learned counsel for the complainant.

I have heard learned counsel for the parties.

The husband of the petitioner has already been granted regular bail by the trial Court for same set of allegations, however, the petitioner is in custody since 16.7.2017. Considering the fact that trial in the case may take long time, I deem it appropriate to release him on regular bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to furnishing of her bail bonds/surety bonds to the satisfaction of trial Court.

However, the observations made hereinabove shall not be construed as any expression on the merits of the case.

August 29, 2017
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No