

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

CRL. MISC. No.M-448 OF 2017
DATE OF DECISION : 17th JANUARY, 2017

Nisha Rani

.... Petitioner

Versus

State of Punjab

.... Respondent

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

* * * *

Present : Mr. Gagandeep Singh, Advocate for the petitioner.

Mr. Abhishek Chautala, AAG, Punjab.

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A. B. CHAUDHARI, J.

The petitioner has filed the present petition under Section 439 Cr.P.C. seeking regular bail in FIR No.196 dated 09.12.2016 registered under Sections 420 & 120-B IPC registered at Police Station Beas, District Amritsar Rural.

The petitioner was arrested on 12.12.2016 and since then she is in jail. Admittedly, the challan has been filed.

Learned counsel for the petitioner submits that the petitioner is a woman and working with SRL Laboratory as Senior Scientific Officer and has two children to look after. He further submits that the petitioner has been arrested only because she is wife of Kamaldeep Bhargav. Moreover, she is not staying with her husband. According to learned counsel for the petitioner it is her husband who had at the most said to have committed the offence in question.

Heard learned counsel for the rival parties. Perused the impugned order.

Perusal of impugned order does not show any application of mind insofar as the petition for regular bail is concerned. Hence, I have considered the petition for bail, on merits. In the FIR I find that except mentioning the name of petitioner-Nisha Rani as one of the accompish along with others, there is no direct allegation against her about the offence in question. Apart from the fact that there is no previous criminal antecedent of the similar nature against the petitioner, coupled with the further fact that the petitioner being woman would be entitled to benefit of Section 437 Cr.P.C., *prima facie* case is made out for grant of bail to the petitioner.

In that view of the matter, the petition for bail is allowed. Petitioner be released on bail subject to the terms and conditions as may be fixed by the learned Chief Judicial Magistrate/Duty Magistrate concerned.

17th JANUARY, 2017
'raj'

(A. B. CHAUDHARI)
JUDGE

Whether speaking/reasoned:	Yes	No
Whether Reportable:	Yes	No.