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

CRM-M No.5799 of 2017

Date of Decision: 27.02.2017

BALWINDER KAUR @ BINDER

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. D.N. Ganeriwala, Advocate
for the petitioner.

Mr. V.P.S. Sidhu, A.A.G, Punjab.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 read with Section 437(6) Cr.P.C in case bearing FIR No.93 dated 19.05.2016, registered under Sections 406, 420 IPC and under Section 24 of Immigration Act at Police Station Nakokar, District Jalandhar Rural.

Challan was presented on 8th September, 2016, thereafter the case was fixed for prosecution evidence on 17.10.2016, till date trial has not been concluded. In view of Section 437 (6) Cr.P.C. if the trial is not concluded within a period of 60 days from the first date fixed for taking evidence, petitioner is entitled to regular bail unless and until specific

reasons are recorded in writing for declining the same. In my view, *prima facie* petitioner is entitled to regular bail as per indefeasible right accrued to her in the event of non conclusion of trial within stipulated period of 60 days.

At this stage, without adverting to the merits of the case, I am of the view that petitioner, who is in custody since 10.07.2016 can be enlarged on bail.

In view of above, petition is allowed. Petitioner is ordered to be enlarged on bail, subject to her furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

February 27, 2017.

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**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No